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(HANSARD)

Tuesday, June 11, 2013

Speaker: The Honourable Andrew Scheer

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HOUSE OF COMMONS

Tuesday, June 11, 2013

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

● (1005)

[*English*]

INFORMATION COMMISSIONER OF CANADA

The Speaker: I have the honour to lay upon the table the annual reports on the Access to Information Act and the Privacy Act from the Information Commissioner of Canada for the year 2012-13.

[*Translation*]

These reports are deemed to have been permanently referred to the Standing Committee on Justice and Human Rights.

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[*English*]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC): Mr. Speaker, pursuant to Standing Order 36(8) I have the honour to table, in both official languages, the government's response to three petitions.

* * *

[*Translation*]

INTERPARLIAMENTARY DELEGATIONS

Ms. Lois Brown (Parliamentary Secretary to the Minister of International Cooperation, 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 parliamentary delegation of the Canada-France Interparliamentary Association respecting its participation at the association's 39th annual meeting held in Bordeaux and Paris from April 7 to 11, 2013.

[*English*]

COMMITTEES OF THE HOUSE

CANADIAN HERITAGE

Hon. Rob Moore (Fundy Royal, CPC): Mr. Speaker, I have the honour to present, in both official languages, the 12th report of the Standing Committee on Canadian Heritage in relation to Bill C-49, An Act to amend the Museums Act in order to establish the Canadian Museum of History and to make consequential amendments to other Acts. The committee has studied the bill and has decided to report the bill back to the House without amendments.

* * *

TRENT-SEVERN WATER AUTHORITY ACT

Mr. Barry Devolin (Haliburton—Kawartha Lakes—Brock, CPC) moved for leave to introduce Bill C-530, An Act to establish the Trent-Severn Water Authority.

He said: Mr. Speaker, it is with pleasure that I rise this morning to say something of substance for the first time in more than five years.

The Trent-Severn Waterway is a vast network of water management and recreational boating infrastructure in central Ontario that stretches from Lake Ontario to Georgian Bay. The TSW region is home to more than a million people, including more than 120,000 properties, homes and cottages that front directly on the system.

The Trent-Severn Waterway is many things to many people, but, in my view, one thing it is not is a park. That is why I am introducing this private member's bill that would create an independent entity called the Trent-Severn water authority. It would help to realize the unbelievable potential that many of us believe the Trent-Severn has. Over the years the Trent-Severn Waterway has reported to Transport Canada as well as Canadian Heritage, and currently to the minister responsible for Parks Canada. This independent entity ought to report directly to the Minister of Transport, Infrastructure and Communities.

I look forward to ongoing discussions with my colleagues about this idea of realizing the potential of the Trent-Severn Waterway.

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

* * *

PETITIONS

CHILD NUTRITION

Ms. Kirsty Duncan (Etobicoke North, Lib.): Mr. Speaker, I am presenting a petition regarding access to healthy food, which is critically important for a child's development. Child and youth nutrition programs are a cost-effective way to encourage the development of lifelong healthy eating habits, support Canadian farmers and food producers in the development of local markets, and reduce future health care costs.

The petitioners call upon Parliament to provide national leadership and support for child and youth nutrition programs through the Minister of Health and the Minister of Agriculture and Agri-Food, develop a national child and youth nutrition strategy in consultation with stakeholders across the country and develop partnerships with farmers, food producers, et cetera, to stimulate economic development.

[*Translation*]

EMPLOYMENT INSURANCE

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, there is strong opposition to EI reform in my region, in eastern Quebec.

Accordingly, I would like to present to the House a petition signed by nearly 400 people who oppose not only Bill C-38 and the provisions that changed the EI program in a particularly devastating way for the economy of eastern Quebec, but also all the measures implemented by the government since the introduction of Bill C-38.

I am pleased to present this petition signed by nearly 400 people opposed to employment insurance reform who are calling on the government to go back to the drawing board and consult with the entire population to study the impact of this reform.

[*English*]

CLUSTER MUNITIONS

Mr. Ray Boughen (Palliser, CPC): Mr. Speaker, I have three petitions in support of Bill S-10 signed by residents of Regina and the surrounding area.

The petitioners note that cluster munitions cause a great deal of harm to civilians and that Canada is among the 110 nations of the world which have signed the Convention on Cluster Munitions.

The petitioners call for an amendment to Bill S-10 to close the loopholes and make it clear that no Canadian should ever be involved in using cluster munitions, for any reason. They also ask that Bill S-10 mention the positive obligations that Canada has assumed by signing the Convention on Cluster Munitions.

● (1010)

[*Translation*]

EMPLOYMENT INSURANCE

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, I have the honour to present three petitions calling on the Canadian government to reverse the devastating changes to employment insurance introduced through omnibus Bill C-38 in spring 2012.

[*English*]

41ST GENERAL ELECTION

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I rise this morning to present two petitions.

The first is from residents of the Ottawa and Perth areas, who are calling on the government to bring about a full public inquiry into the misleading phone calls that were made during the last federal election.

This petition deals with both the live calls and what is called robocalling. Interestingly, the Federal Court decision recently found that thousands of such fraudulent efforts to defraud voters were made as live calls. Live calls were the subject of that court action.

We still do not know who was responsible. The petitioners are calling on the House to call for an inquiry.

HUMAN RIGHTS

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, the second set of petitions is from residents of the Toronto area relating to the tragedy of human rights abuses in the People's Republic of China.

The petitioners call for the Parliament of Canada to stand up for the rights of people who are practitioners of Falun Gong or Falun Dafa.

IMPAIRED DRIVING

Mr. Mark Warawa (Langley, CPC): Mr. Speaker, I am honoured to present a petition that highlights the sad fact that last year 22-year-old Kassandra Kaulius was killed by a drunk driver.

A group of people who have also lost loved ones to impaired drivers, called Families for Justice, want to see tougher laws and the implementation of new mandatory minimum sentencing for those persons convicted of impaired driving causing death.

Mr. Kennedy Stewart (Burnaby—Douglas, NDP): Mr. Speaker, I rise today to present a petition signed by hundreds of my constituents regarding the death of Helen Sonja Francis, a registered nurse, who was tragically killed by an impaired driver.

The people who caused this crime were not brought to justice due to administrative errors.

The petitioners are calling on Parliament to amend the Criminal Code of Canada to change the current four-hour limit dealing with warrants to a six-hour limit.

HUMAN RIGHTS

Mr. Tyrone Benskin (Jeanne-Le Ber, NDP): Mr. Speaker, I am presenting a petition on behalf of a number of my constituents, practitioners of Falun Gong, who are calling on the Canadian government to intercede on their behalf with regard to the persecution of their people and their practice.

QUESTIONS ON THE ORDER PAPER

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC): Mr. Speaker, I ask that all questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

* * *

QUESTION OF PRIVILEGE

ELECTIONS CANADA

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I rise briefly to respond to yesterday's intervention by the hon. member for Toronto—Danforth. I can assure the House that I will not take 50 minutes for my intervention.

In his submissions yesterday, the member canvassed the 1966 case of Mr. Berger. I want to briefly distinguish between that case and the present circumstances, both of which are very different.

In that case, Mr. Berger had failed to file any expense return. There was no doubt about that fact, nor was there any doubt about the legal requirement to file a return, a condition precedent for triggering the 1966 equivalent of today's subsection 463(2). Mr. Berger had sought an order from the superior court permitting him time to file a return after the deadline.

The present case is entirely different. It represents an accounting dispute. The Chief Electoral Officer had requested that each of the hon. members for Selkirk—Interlake and Saint Boniface make amendments to the returns they had already filed, and that those amendments reflect an interpretation by the Chief Electoral Officer as to evaluation of materials used in the election.

They each dispute that interpretation. As a result, they are seeking rulings from the Court of Queen's Bench of Manitoba in that regard.

There is a very clear distinction. They have filed their returns. They are in the process of attempting to resolve interpretation questions. It is entirely different from the case of Mr. Berger who had filed no return.

The Speaker: I thank the hon. government House leader for his further contribution to the question, and of course I will get to the House in due course with a ruling.

GOVERNMENT ORDERS

● (1015)

[*English*]

FAMILY HOMES ON RESERVES AND MATRIMONIAL INTERESTS OR RIGHTS ACT

The House resumed from June 10, consideration of the motion that Bill S-2, An Act respecting family homes situated on First Nation reserves and matrimonial interests or rights in or to structures and lands situated on those reserves, be read the third time and passed, and of the amendment.

Ms. Wai Young (Vancouver South, CPC): Mr. Speaker, as a member of the Standing Committee on the Status of Women, I am pleased to speak today in support of Bill S-2, family homes on reserves and matrimonial interests or rights act.

Currently men, women and children living on the majority of on-reserve communities have no legal rights or protections in relation to the family home. In situations of family violence, for decades women have been victimized and kicked out of their homes with nowhere to go.

Statistics show that aboriginal women are almost three times more likely than other Canadian women to experience violent crime, including spousal violence. According to the 2009 general social survey, approximately 15% of aboriginal women in a marriage or with a common-law partner reported that they had experienced spousal violence in the previous five years. Of those who had been victimized, 58% reported that they had sustained an injury, compared to 41% of non-aboriginal women. Further, 48% reported that they had been sexually assaulted, beaten, choked or threatened with a knife or a gun, and 52% reported that they feared for their lives.

This is why Bill S-2 is so important. It will help to mitigate occasions of domestic violence on reserve by providing for emergency protection orders and exclusive occupation orders.

Currently, individuals living on reserve cannot go to court to seek exclusive occupation of the family home or apply for emergency protection orders while living in a family home on reserve in the event of a relationship breakdown or the death of a spouse or common-law partner.

Bill S-2 extends this basic protection to individuals living on reserve. In situations of family violence, a spouse can now apply for an emergency order to stay in the family home, at the exclusion of the other spouse, for a period of up to 90 days with the possibility for extension. These orders may be granted upon a hearing or an application to vary the original order at the judge's discretion.

An emergency protection order is quick, follows a simple process and is recognized by child and family justice advocates as being one of the most significant means of preventing family violence. Violations of these orders can result in fines or jail time. We know that emergency protection orders are invaluable tools in efforts to end family abuse and violence. Each year, hundreds of Canadians, most of them women who are victims of spousal abuse, petition courts to acquire these orders and access the legal protection that they can afford.

Police who are authorized by the courts to enforce the orders typically represent an effective line of defence for victims of family violence. As it stands today, residents of most first nation communities cannot access these tools. I say “most”, because a handful of first nations have established and enforce laws in this area through authorities acquired in self-government agreements or through the First Nations Land Management Act. Nevertheless, the vast majority of on-reserve couples cannot access these orders because no court has the legal authority to issue them.

Bill S-2 would change this. For every other region in Canada, other than on reserve, family law is the domain of the provinces and territories. Legislation exists in most provinces and territories that deal specifically with violence and intimate relationships. Although the names of these laws, along with the specific legal instruments that they include vary from one jurisdiction to another, they all provide powerful forms of protection to victims of spousal abuse and violence.

In general, the laws authorize two types of protection orders: short-term and long-term. These orders, sometimes known as an intervention, prevention or victim assistance orders, can be obtained 24 hours a day, by telephone or appointment, from a trained justice of the peace. In many cases a police officer or a victim services worker can apply for the orders on behalf of the victim.

To me, the absence of legal protection on reserve is simply unacceptable. We have tolerated a legally sanctioned form of discrimination in Canada, for women and children and other victims, for far too long. It is one that has claimed and continues to claim victims. Bill S-2 will change this.

In order to understand the value of these orders, it is crucial to appreciate the larger context. An act of domestic abuse, such as a husband beating his wife, may be an isolated incident, but it is also part of a relationship's larger dynamic.

● (1020)

Domestic abuse is often a gradual and incremental process, and the frequency and seriousness of the violence tends to escalate slowly over the years, even decades. In many cases, abusers express deep remorse and promise to change, and then go on to break these promises.

For the victims of violence, it can take years to recognize that the violence will never stop and that the relationship is poisonous, dangerous and unsalvageable. Until victims come to this conclusion, though, they often cannot conceive of acting decisively by leaving the family home or by securing a court order to banish the abusive spouse.

The victims' long-term experience leads to the erosion of self-confidence, making it even more difficult to believe that they deserve better treatment, that they can find the courage to leave and that they can manage on their own.

Exclusive occupation and emergency protection orders provide the separation victims often need to heal and to make a new start. It is regrettable that the need for these orders remains so strong in 2013. Part of the reason for this sad reality lies in the history of how our society and legal system address relationships between spouses. As my hon. colleagues recognize, the law has not always protected the rights of women as it does today.

Of course, we all recognize that our laws have evolved dramatically over the years to reflect the needs and aspirations of Canadians, but the legacy of the past shapes our current circumstance. There was a time when Canadian women had few options in life. Living as independent citizens was virtually impossible, employment options were extremely limited and few of the jobs that were open to women paid a living wage. The vast majority of women married, and most went on to have children and to enjoy happy, fulfilled lives.

Women were assigned a specific role in society, were expected to fulfill this particular role and were respected for it. The laws at the time reflected this social norm. As norms have changed in recent generations, we have done much to eliminate outdated laws and attitudes. Bill S-2 would take us one large step further along this road.

Part of the legislation now before us addresses the link between spousal violence and matrimonial rights and interests. Over time, the laws governing matrimonial rights and interests have evolved to reflect new social norms, yet this type of evolution typically occurs in fits and starts, and the law usually lags behind progress in societal attitudes. This is because the impetus to amend the law often comes only from incidents and trends that the public considers repugnant; such as husbands being able to beat their wives with impunity.

Today, of course, Canadian attitudes about violence against women have changed dramatically. Violence against women is no longer socially acceptable, and the law reflects these attitudes to a large extent. This is why family law includes instruments such as emergency protection and exclusive occupation orders. These orders are designed specifically to address spousal violence and to complement the protections provided by the Criminal Code.

However, the authority for these orders exists only under provincial or territorial law. The Supreme Court ruled that these laws do not apply on first nation reserves. Bill S-2 proposes to fill this unacceptable gap and to help prevent the harsh reality experienced by so many victims.

Under Bill S-2, a spouse or a common-law partner residing on reserve could apply to a judge or justice of the peace for an emergency protection order. The order, enforceable by police, would exclude the spouse or common-law partner from the family home for a period of up to 90 days. The order may be extended once, for a period of time determined by a judge. Orders issued by a justice of the peace or a provincial court judge must be reviewed by the superior court as soon as possible.

The federal regime would authorize applications submitted by telephone or email to ensure that people living in remote communities could access the orders. The regime would also authorize a police officer or another appropriate person to apply on behalf of a spouse or a common-law partner. This provision would enable people who face dangerously unpredictable spouses or common-law partners to secure orders without exposing themselves to undue risk.

The regime would also enable people to apply for exclusive occupation orders, which could provide longer-term protection.

● (1025)

Exclusive occupation and emergency protection orders are only one part of the protection that Bill S-2 would provide. It would provide stability for women and their children, through continued access to the family home; continued connection to the community and extended family; access to services, children's programs and education facilities within the community; and the equitable distribution of marital real property assets. In addition, it would improve the ability of first nations to meet the specific needs within their communities.

A little more than 30 years ago, the members of this House laughed when one of their hon. colleagues raised the issue of violence against women and suggested that new laws were needed. The laughter caused a public outcry and inspired a host of changes, including legislation. Today, violence against women is widely recognized as a scourge.

Statistics Canada research indicates that aboriginal women are more likely than non-aboriginal women to suffer severe injuries, such as broken bones, inflicted by a violent spouse. Today, we have an opportunity to help eliminate a factor that contributes to this violence.

Canada has made substantial progress in the issue of violence against women, but much more remains to be done. While the factors that contribute to the issue are manifold and complex, there can be no doubt that emergency protection and exclusive occupation orders are effective, both as deterrents and as defensive mechanisms.

Today, we are seeking to eliminate a human rights issue. Through Bill S-2, we would finally be extending the same basic rights and protections to aboriginal women as all other Canadians currently enjoy.

I urge the opposition to stop denying aboriginal women equal rights and to vote in favour of this legislation.

[*Translation*]

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, I would like to ask the member a question about her speech.

This is the fourth version of this bill. Were first nations involved so that their needs were made known, their concerns were heard and those needs and concerns were incorporated into this bill?

Can the Conservative member explain how this bill fulfills the needs that were expressed during meaningful consultations with first nations?

[*English*]

Ms. Wai Young: Mr. Speaker, one of the witnesses, Rolanda Manitowabi, said at committee that if this bill were in place, there would have been an option. In a situation where there is domestic violence or abusive behaviour, there are no choices. When she was thrown out of her home, she had no place to go; that was her home. To this day, she continues to pay for that home. If this bill had been in place, it would have given her an option for some place to go with her children.

This victim came to our standing committee and told us a horrible story of how, for years, not only was she thrown out of her home with her children but she was also thrown out of her community. Due to family violence and the breakdown of her marital situation, she and her children had no place to go. Bill S-2 would address this.

As the member opposite knows, this bill has been debated a fair amount. There were 172 consultations across this country. This government spent some $4 million on consultations with groups. The Manitoba Legislative Assembly sent us a resolution, and it completely supports the bill. This has certainly been discussed, and consultations have occurred; we have heard of real-life situations in which this bill could help these women.

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 appreciate the member's speech and the work she has been doing on the standing committee to work through this piece of legislation.

What is interesting is that, last Thursday at the special committee for missing and murdered aboriginal women, we had a chance to hear first-hand about an aboriginal woman's experience. What I have been most consumed with or have grappled with at great lengths in this piece of legislation in particular is the emergency protection order and the priority occupation, which the member just referred to in her response to the question by the member opposite.

I wonder if the member could expound a bit more on how that could definitely make a difference in a situation where there has been an unfortunate situation in the home that has resulted in domestic violence, so that the courts, the judge or the police officers would have the opportunity to ensure that the woman and her children stay in the house, as opposed to their having to move out, which is very problematic if not troubling, as I have seen first-hand in first nations communities.

● (1030)

Ms. Wai Young: Mr. Speaker, I worked in the downtown east side of Vancouver some 20-odd years ago. It was heartbreaking to see women arrive with garbage bags of clothing, their children in tow, not having had a meal and with nowhere to go. That is because for 25 years there has been a gap in legislation, as has been pointed out by the Human Rights Commission. For 25 years this bill did not exist, which has impacted hundreds, thousands, of women across this country. Previous speakers have spoken about the statistics and the horrifying impact this has had on women and their children across Canada.

I would like to quote from Jennifer Courchene, who is also a member of the first nations in Manitoba. She came to the standing committee as well and told her heartbreaking story. She said that she and her children became homeless after her abusive partner forced them out of their home.

She stated:

> I'm sure I'm not the only one who has gone through this in a first nation community. There are probably many, many other women who have gone through what I've gone through, and the story is pretty much the same: the woman loses the home. I'm not sure how other first nations communities are run, but if there had been something to help us, we would have taken it, rather than be homeless, that's for sure.

The acting chief commissioner of the Canadian Human Rights Commission came to committee as well. He said the situation was urgent. I asked him what exactly he meant by "urgent".

It has been 25 years. The opposition has been vehemently opposing this legislation to grant these rights and protection for these women and children for more than 25 years. I ask the opposition members how much longer they will oppose this for these hundreds and thousands of women who have been in the streets. I not only ask but beg them to vote with us on this legislation.

[*Translation*]

Mr. Dany Morin (Chicoutimi—Le Fjord, NDP): Mr. Speaker, Bill S-2 puts the onus on couples to resolve disputes in court, yet it does not improve access to provincial courts. In addition, it is difficult for the bill to be enforced, in a practical sense, in many first nations communities. It is unrealistic.

Instead of presenting first nations with a bill that is ineffective, will the Conservatives commit to supporting the implementation of remedies within first nations communities that would stem from their own legal traditions?

[*English*]

Ms. Wai Young: Mr. Speaker, that would be like saying that human beings cannot fly in an airplane. Just because things are sometimes difficult, it does not mean they are not the right thing to do, nor are they insurmountable.

We have built into Bill S-2 all kinds of abilities with respect to technology, as well as funding a centre, which would help first nations across Canada devise their own laws and devise how they would implement this within their own communities across Canada. With this new convention centre as well as the ability to phone, email or talk to a peace officer, certainly the access points for an order would be there, through Bill S-2.

In addition, I do not believe that this Parliament, in righting a wrong, should hang on the fact that it is difficult. The government and this country have overcome many other difficulties and we are confident that this is a good bill, a necessary bill and an urgent bill.

Again, I would urge the member opposite to vote with us on protecting women and children on reserve.

● (1035)

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I do not doubt for one moment the intention my friend from Vancouver South brings to this is to right a wrong.

My problem is that I have looked at the briefs and talked to women in first nations communities who do not think the bill would accomplish its end, and they see significant problems.

Because she is not on the floor of the House to say this, my friend Ellen Gabriel from Kanesatake in her brief said that the areas of concern for the bill, the problems, include, one, the incorrect assumption that the bill was accompanied by a consultation process. She was clear that it was not. Two, the lack of inclusion of the Constitution Act that protects and affirms inherent treaty rights of aboriginal peoples; three, the lack of resources for communities' implementation of the bill and problems with potential court orders; four, non-legislative matters and lack of access to justice; five, financial burdens placed on women who pursue these issues and are reliant on their spouses; and six, jurisdictional issues of provincial, federal, common law, civil law and indigenous customary laws.

Native women's associations of this country are not supporting the bill, and I ask my hon. friend from Vancouver South if we cannot step back and ensure that any bill we pass can work.

Ms. Wai Young: Mr. Speaker, I am indeed shocked that someone of the member's stature, being a lawyer herself, does not recognize the fact that we need to start somewhere. By starting somewhere, we need to have the legislative framework to do so.

My short answer is, without the bill, women and children have no rights on their reserve. There is nowhere to start in terms of any of these programs and services.

The hon. member knows that consultation has occurred extensively across this country.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I will be sharing my time with the member for Saint-Bruno—Saint-Hubert, who will be taking the second half of the speech on Bill S-2.

I was deeply disturbed last night by the aggressive, attacking tone of the government on the bill. What we heard last night from speakers, and we are hearing a bit of that today, are very aggressive attacks from the government.

I certainly understand that the government feels it is in a weak position. The Conservatives brought forward Bill S-2 for consultation. They actually tried yesterday to say that they consulted with groups like the Assembly of First Nations and the Native Women's Association of Canada. They talked about the consultation process as something meaningful. None of them, not a single Conservative member of Parliament who spoke on this issue last night, and we have not heard any this morning, acknowledged that those organizations opposed the bill. In the consultation process that supposedly took place, the government was met with opposition from aboriginal women's groups from across the country.

There is something profoundly disturbing about government members who would stand in the House and say that they have done some kind of consultation when the organizations that they consulted with have said that the bill would not get the job done and, in many respects, the bill would actually be harmful.

The aggressive tone of government members has done nothing to allay the many concerns that we are hearing from first nations, aboriginal women's groups and aboriginal groups across the country. The reality is, the aggressive tone belies what the government's agenda has been when it comes to first nations. We have seen it cut back on funding for the aboriginal police forces that should be ensuring that women are protected on reserve across the country. It slashed and closed the First Nations Statistical Institute that gave us important information about what was happening right across the country. It closed down the National Centre for First Nations Governance.

The Conservative government has a lamentably poor record when it comes to adequately funding of first nations organizations. It is making first nations and aboriginal peoples in Canada pay the price of the Conservative agenda of bestowing billions of dollars on its pet projects, whether it is the F-35 or many others that we have spoken of over the last few days. It is aboriginal Canadians who are paying the price for the government's mean-spirited attitude toward first nations across the country and indeed toward all Canadians.

The government stands in the House and says it has slashed funding and would not provide any funding for Bill S-2, yet any aboriginal women's organizations that raise concerns, any opposition members of Parliament who raise concerns, are treated with an aggressive and attacking tone. We simply beg to disagree. This is a fundamentally wrong approach.

There is a duty to consult by the government and it did not consult in any meaningful way. Aboriginal organizations across the country are opposing Bill S-2.

Aboriginal organizations and aboriginal women's organizations are on one side saying the bill should be opposed. The government says it knows better, it will try to ram it through with closure and takes a very aggressive attacking tone with anyone who raises any of the very valid concerns that aboriginal organizations, aboriginal women's organizations and first nations have raised across the country.

The question then is, who has credibility? It is worth reading into the record what the Conservative government's record is. It has closed a wide variety of first nations organizations doing important work. It actually shut down the statistical institute that allowed all Canadians to understand the current situation of first nations. After seven years in power, here are the results: a quarter of first nations' children live in poverty. That is double the national average.

● (1040)

Suicide rates among first nations youth are five to seven times higher than rates among young non-aboriginal Canadians. Life expectancy of first nations citizens is five to seven years shorter than that of non-aboriginal Canadians. Infant mortality rates are 1.5 times higher among first nations. Tuberculosis rates among first nations citizens living on reserve are 31 times the national average.

A first nations youth is more likely to end up in jail than to graduate from high school. First nations children, on average, receive 22% less funding for child welfare services than other Canadian children. There are almost 600 unresolved cases of missing and murdered aboriginal women in Canada.

The Conservative government's record is appalling. It has not taken action on any of these issues. Last year, we saw our former leader, the member for Hull—Aylmer, go with the member for Timmins—James Bay to Attawapiskat, where they saw appalling housing conditions.

In the same way that the government is attacking members of the opposition, it told aboriginal women's groups and aboriginal groups in first nations across the country on Bill S-2 that if they dared to disagree, it would attack them. It would insult them and degrade them. In the same way that the government did that, we can remember the attacks on Attawapiskat. The attacks were on the first nations there, which were simply looking to ensure a better future for their children.

The Conservative government's attitude is that anyone standing in the way of its agenda is somebody to be attacked, insulted and degraded. The first nations of this country deserve much better than a government that will insult and deride them when they disagree fundamentally on a bill's direction.

The government introduced the bill, first in the Senate and then here in the House. The government introduced the bill and it has not got it right. The government cannot stand and say that it has done the consultation when the groups that it consulted with oppose the bill. There is an illogical disconnect between government members standing up and saying they have done the consultation and not mentioning that the groups they consulted with oppose the bill. It simply does not make any logical sense.

What it does, of course, is lessen the integrity of the individuals from the government side who are standing up and making these comments. Maybe they do not know. Maybe they are reading prepared talking points from the Prime Minister's Office, so maybe they really do not know that the organizations that they are trumpeting about having consulted with are opposing the legislation. I do not know.

On this side of the House, when we carefully read our comments on any bill that is coming forward, we make sure that we get it right. We make sure that we are making comments that are factually true. However, here we have Conservative members who, perhaps in a mean-spirited way or perhaps unknown to them, are mentioning organizations like the Assembly of First Nations and the Native Women's Association of Canada and saying that they have consulted with them, when those organizations oppose the bill and disagree with the government, very vehemently in some cases.

Where do we go from here? We have an appalling state of first nations after seven years of a Conservative government. We have slashing and cutting of a wide variety of important first nations organizations, including the First Nations Statistical Institute. It did not cost a lot of money, but given the horrendous situations in health and unemployment and the lack of opportunities for children and youth on reserve, one would expect that a government would want to know what was going on. The Conservative government wanted to be blind and wanted to shut off that source of information.

With that approach from the government, we can only say this. Yes, we will continue to stand up and speak against this bill, as so many aboriginal women's organizations, aboriginal organizations and first nations have. The New Democratic Party members of Parliament will be the voice of first nations, the voice of aboriginal women and the voice of aboriginal Canadians here in the House of Commons. We will continue to say, very clearly, that this bill needs to be strongly redrafted.

The duty to consult still exists for the government. The government has the obligation to consult with first nations and heed what they say.

● (1045)

Mr. Rod Bruinooge (Winnipeg South, CPC): Mr. Speaker, I would ask the member if he has any support for matrimonial real property rights for women on reserve who have gone through a marital breakup. Does he think there is any circumstance when that would be good public policy?

Mr. Peter Julian: Mr. Speaker, I thank the member for his question. It was a sincere question, and I appreciate it.

There are numerous reports that deal with matrimonial real property that make solid recommendations. I am talking about "A Hard Bed to Lie In", 2003; "Still Waiting", 2004; "Walking Arm-in-Arm", 2005; the Status of Women Report, 2006; and the Wendy Grant-John ministerial report from 2006.

All of these reports could have been guidelines for the government. They spoke to the issue of matrimonial real property rights and provided very substantive recommendations. A number of the aboriginal organizations across the country supported those recommendations. The question is this: Why did the government not heed those reports and follow those recommendations? The work had already been done, which is what I find so sad.

Aboriginal women have been waiting for such a long time. The government had a number of reports that provided substantive recommendations, but instead of following those recommendations, the government ignored them. Then, when first nation organizations said that this bill was inadequate and would do more harm than good, the government refused to listen to those aboriginal organizations and women's groups. It is sad. However, there is still time for the government to pull back and do the right thing.

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, there is a concept that has been developing over the last two decades, and that is the honour of the Crown as it applies, in particular, to the aboriginal communities of Canada. I have been listening to some of the interventions on this debate at various readings, but I have yet to hear this mentioned. It puts on the Crown, as my colleague for Burnaby—New Westminster said, a true obligation to consult, and not to consult without the conclusions the consultations would lead to. The honour of the Crown is almost a fiduciary obligation and responsibility vis-à-vis our aboriginal peoples. I was wondering if my colleague would comment on that.

I hope that some members from the government side will speak to this later today. I might ask this question again. This is a very important matter that, unfortunately, has been neglected, but it should not be, because there is an obligation upon the Crown, and therefore the government, to act in a very particular manner vis-à-vis the aboriginal peoples of this country.

● (1050)

Mr. Peter Julian: Mr. Speaker, first of all, the Conservative government has imposed closure, so there is not going to be this debate. The government's position seems to have weakened as the fact that it has not consulted aboriginal women's groups and organizations has become more apparent, and the government is shutting down debate.

I would quote Ellen Gabriel, the former president of the Quebec Native Women's Association. This is what she said:

> It is reprehensible that the Government of Canada is so eager to pass legislation [that seriously impacts the collective human rights of indigenous peoples] without adequate consultations which require the free, prior and informed consent of Aboriginal peoples. While it is understood that legislation is not accompanied by commitments to adequate financial and human resources necessary to implement laws, these Bills will create further financial hardships on First Nations communities.

[*Translation*]

Mrs. Djaouida Sellah (Saint-Bruno—Saint-Hubert, NDP): Mr. Speaker, this bill is the fifth of its kind to be introduced by the government since 2008. The background on this issue has been given and we have debated it. Every time it has had the opportunity, the NDP has opposed the bill, and that is the case again here.

I am a feminist and I fight for women's rights. I fought as part of the Quebec section of the NDP women's council for years, before I was elected, and I have had the honour of chairing the NDP women's caucus. I take these issues to heart.

Division of matrimonial property is an important issue. Courts have rendered decisions on this issue since the mid-1980s, and parliamentary committees have been studying it since the early 2000s.

Right now, when a couple divorces, the division of family property, such as the house and the couple's personal property, is determined by provincial legislation. Subsection 92(13) of the Constitution Act, 1867, provides that property and civil rights are under provincial jurisdiction. However, under subsection 91(24) of the Constitution, the Parliament of Canada has exclusive legislative jurisdiction over Indians and lands reserved for Indians. Therefore, provincial laws are not applicable to the division of property on the reserves.

In 1986, in the Derrickson case, the Supreme Court of Canada created a legal vacuum when it ruled that the courts could not rely on provincial law when determining the division of matrimonial real property on reserves. The absence of provisions at both the federal and provincial levels with regard to the division of matrimonial real property on reserves is a problem, because the people who live on reserves cannot appeal to the Canadian legal system to resolve issues relating to the division of property when a marriage has broken down. It is usually aboriginal women who pay for this legal vacuum.

The Assembly of First Nations determined that the following three broad principles were key to addressing matrimonial rights and interests on reserves: first, recognition of first nation jurisdiction; second, access to justice; and third, addressing underlying issues related to housing and economic security.

The bill does nothing to address any of these principles. On reserves, gender discrimination clearly exists when it comes to matrimonial real property. Everyone says so, including the courts, aboriginal people and politicians.

Bill S-2 does not solve the problem. It does not address the issues related to a lack of financial resources to support first nations governments to actually implement the law, a lack of funding for lawyers and legal advice, a lack of funding to account for limited geographic access to provincial courts, a lack of on-reserve housing, and a lack of land mass that would be necessary to give both spouses separate homes on reserves.

Here is what Assembly of First Nations National Chief Shawn Atleo had to say:

> The legislation...does not provide the necessary tools or capacities for first nation governments to deal with the issues that arise when marriages break up. This is rightfully a matter of first nation jurisdiction and we must have this capacity.

● (1055)

> First nations have repeatedly and forcefully called on the government to work with us on an approach that will truly give our people in our communities access to justice. There are already first nations that have put their own laws and approaches in place on this matter. These must be respected and a similar approach must be supported for all first nations.

The Native Women's Association of Canada also has a problem with this bill.

> Despite previous recommendations that first nations must be involved and create the solutions that will address the multitude of socio-economic issues impacting on families, the government has consistently tried to rush the process and to push through legislation that has been drafted mostly on its own, with little involvement and disregard for the comprehensive recommendations of the past ministerial representative, and many first nations governments and organizations.

As I indicated earlier, a lot of work has already been done on this issue. For example, there was the 2005 report of the Standing Committee on Aboriginal Affairs and Northern Development entitled “Walking Arm-in-Arm to Resolve the Issue of On-Reserve Matrimonial Real Property”.

The report set out a number of very worthwhile suggestions. It recommended that the government consult with the Native Women's Association of Canada and the Assembly of First Nations in order to develop a new law or amend the Indian Act. It also recommended that the first nations be given financial assistance so that they can develop their own matrimonial real property codes, and that any new legislation should not apply to first nations that have their own codes. What is more, the Canadian Human Rights Act should be amended to apply to people living on reserves. The report also suggested that Canada recognize the inherent rights of first nations to govern themselves.

Canada is a signatory to the UN Declaration on the Rights of Indigenous Peoples and, as such, consultation entails the consent of the people consulted. Although Canada conducted some limited consultations, no consent was given by the rights holders. As a result, we are opposed to Bill S-2 because it violates article 32 of the UN declaration, which requires the free and informed consent of the rights holders prior to the approval of any project affecting their lands or well-being.

Those are the reasons why I cannot support this bill. However, I would like to add that the government must treat our first nations with more respect. In addition to a better bill on matrimonial real property, it is urgent that the government work with first nations in order to put an end to violence against aboriginal women. It must improve living conditions on reserves, particularly with regard to the housing crisis, and it must put an end to systematic discrimination with regard to funding for first nations children.

● (1100)

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, I thank my colleague for all of the hard work she has been doing on women's issues for several years now.

She pointed out some problems inherent in this bill. Could she elaborate on those? We heard from first nations women, particularly in our women's caucus.

What is the member's perception of violence against women in aboriginal communities? What concrete measures could be taken, particularly with respect to the housing crisis and the fight against poverty?

I would like to hear the member speak to these major issues.

Mrs. Djaouida Sellah: Mr. Speaker, I thank my passionate and hard-working colleague for her question and I thank her for giving me the opportunity to talk about the testimony we heard in our women's caucus.

Aboriginal women are very disappointed that the government has not taken action to combat the violence they are experiencing. They told us that nothing has been done. Study after study gathers dust on the shelf. No action plan has been created. These women took the initiative to get organized and put pressure on the authorities to open inquiries, particularly in the case of abused, missing and murdered women.

These women do not even have the right to a roof over their heads. They have no financial assistance. WIthout a home or financial means, how do we expect them to be able to access the courts? That is the problem with this bill, which was unfortunately introduced in the Senate and not by the government. The government is trying to pass this bill today, but in my opinion, this bill is nothing but smoke and mirrors.

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, I thank my colleague for her speech.

The government boasts about having held consultations. Indeed, perhaps it did. However, after consulting communities, the government has to respond to their demands. In this case, most of the groups were very critical of this bill.

Does my colleague think that sound consultation involves taking into account what was said during the consultations and then incorporating all this information in a bill? Is that what the government did?

● (1105)

Mrs. Djaouida Sellah: Mr. Speaker, I thank our hard-working member, the youngest in the House, for his insightful question.

As I mentioned earlier, the government claimed that it consulted everyone, yet these consultations were quite limited. I quoted Mr. Atleo, the national chief of the Assembly of First Nations, and his words spoke volumes. Moreover, according to the Native Women's Association, this bill does not provide any tangible solutions to address the problems they face every day.

It is obvious that this government is once again trying to pass bills in a hurry just to get them done and pretend that it has already done all the required work.

Since the 2000s, no tangible solutions have been found to address the problem at the community level.

[*English*]

The Deputy Speaker: Resuming debate, the hon. Parliamentary Secretary to the Minister of Aboriginal Affairs and Northern Development. The parliamentary secretary will have approximately five minutes.

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 thankful for the opportunity to speak to this particular piece of legislation. There have been discussions and contributions by a number of stakeholders. From my own experience and context, I think back to the more than eight years that I spent living and working in isolated first nations communities across Canada, in Ontario, Manitoba, Saskatchewan, British Columbia and parts of the Arctic Circle.

I mention this experience because earlier in the debate we heard some concerns put forward. I do not know if they are on the record or not, but I heard the words "jurisdictional matters", and if I might say so with some humility, I have a sense not just for the issues as legal counsel for first nations communities over a number of years but for any of the jurisdictions where this might be a problem.

Earlier I had a line of questions for members across the way and in my own caucus, tough but fair questions around the emergency protection orders and priority occupation measures that this piece of legislation contemplates. In my respectful view, these are two key components of this legislation.

In the special standing committee on murdered and missing aboriginal women we heard from a witness who was unequivocal and categorical in her understanding of this legislation, particularly with respect to emergency protection orders and priority occupation. We heard that these two pieces would have, in fact, spared her from a tremendously difficult process that arose as a result of a domestic violence situation perpetrated on her by her partner at the time.

In the progression of this debate, we have heard members, particularly in the official opposition, identify a number of groups that they say are in principle against the legislation overall. With the greatest of respect, I do not think that considers some of the good people who commented on this legislation and may have made a general statement about it, because what they were really concerned about—and I think we are all in agreement on this point—is that whenever and wherever possible, the real effort should be to encourage first nations communities to develop their own matrimonial real property regime.

This bill would achieve that end. It says to first nations under a variety of different agreements, such as the First Nations Land Management Act and self-government agreements, to go out and make this. In fact, first nations do not even have to belong to one of those two categories to design or develop their own framework for matrimonial real property.

It is important, because we know that whether it is first nations communities or non-first nations communities, relationships do break down. In that final and most unfortunate category of relationship breakdown, or along the way, violence can arise. That is why my emphasis is on emergency protection and priority occupation: it is because this is where the real vacuum in the law exists. It is that fundamental ability of a police officer and a magistrate at that difficult time to give a woman and, most importantly, her children an opportunity to stay in the home.

I, unfortunately, have had a ringside seat in this special category that I am referring to. I have seen a woman and her family taken out of the home. It is not a very nice thing to see. I cannot imagine experiencing it. I can only relay to my friends across the way and to members of this government and caucus the importance of these two elements alone as grounds to consider matrimonial real property and how it would work on reserve until or unless first nations communities were in a position to develop their own regime that would respect these two important principles.

● (1110)

[*Translation*]

The Deputy Speaker: It being 11:12 a.m., pursuant to order made Tuesday, June 4, 2013, it is my duty to interrupt the proceedings and put forthwith every question necessary to dispose of the third reading stage of the bill now before the House.

[*English*]

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

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the amendment 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 order adopted Wednesday, May 22, the deferred recorded division is deferred until later today at the end of oral questions.

* * *

● (1115)

FIRST NATIONS ELECTIONS ACT

BILL S-6—TIME ALLOCATION MOTION

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I move:

> That, in relation to Bill S-6, An Act respecting the election and term of office of chiefs and councillors of certain First Nations and the composition of council of those First Nations, not more than five further hours shall be allotted to the consideration of the second reading stage of the Bill; and
>
> that, at the expiry of the five hours provided for the consideration of the second reading stage of the said Bill, any proceedings before the House shall be interrupted, if required for the purpose of this Order, and, in turn, every question necessary for the disposal of the said stage of the Bill shall be put forthwith and successively, without further debate or amendment.

[*Translation*]

The Deputy Speaker: Pursuant to Standing Order 67.1, there will now be a 30-minute question period.

[*English*]

I invite hon. members who wish to ask questions to rise in their places so the Chair has some idea of the number of members who wish to participate in the question period.

Questions and comments.

The hon. member for Burnaby—New Westminster.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, it is a sad moment. This is the 44th time the government has invoked closure in the House of Commons. It is a record.

We have never had a government in such disgrace and a government so willing to trample on the rights of parliamentarians who have been elected across this country to represent their constituents and to represent Canadians here in the House of Commons.

We have never had a Prime Minister who has shown such profound disrespect in the midst of the greatest scandal we have had in recent memory: repeated scandals in the Senate and payments coming out of the Prime Minister's Office. In the midst of all of this, what the government is trying to do is shut down parliamentary debate. It has been 44 times. It is a sad record of the government's complete lack of respect for Canadians.

This is compounded by the fact that what the government is invoking closure on now are very contentious pieces of legislation on which it did not perform its duty to consult with first nations organizations and aboriginal peoples. This is another bill the government wants to ram through, because it is acutely aware of how embarrassing its record is in regard to first nations. It just wants to force the bill through without debate.

There have been two short speeches on this. That was on Wednesday night, at midnight, a few weeks ago. That is it in terms of any sort of input from members of Parliament on a bill that is this contentious. The government just wants to sweep it all under the carpet. It wants to shut down and put the locks on Parliament and forget about the democratic debate that so many Canadians hold dear.

After 44 times showing disrespect toward Canadians, why does it not start showing respect for Canadians and allow debate to take place in the House of Commons?

Hon. Bernard Valcourt (Minister of Aboriginal Affairs and Northern Development, CPC): Mr. Speaker, again, we are moving this motion to expedite a matter that is of great importance and that will bring transformative changes to the way certain first nations choose to carry out their elections.

We all know that the work on this bill started back in 2008 at the request and insistence of first nations. The first nations of the country that conduct elections of their chiefs and councils under the Indian Act have all been engaged and consulted in a major way. As a result, the department and previous ministers have been provided with recommendations, from first nations, upon which this bill has been drafted.

But for this motion, the bill would not be passed, and first nations would suffer the negative consequences of the colonial, paternalistic Indian Act they are under right now.

● (1120)

[*Translation*]

Ms. Christine Moore (Abitibi—Témiscamingue, NDP): Mr. Speaker, I wonder if my colleague realizes how ridiculous and inconsistent the situation is.

The government says that Canada is doing well compared to other countries, but it moves 44 time allocation motions, or 44 gag orders. It thinks these bills are so urgent and the situation is so bad in the country that these 44 bills have to be passed right away. This makes no sense. It is totally inconsistent.

On one hand, the government tells us that Canada is doing well compared to other countries, and on the other hand it acts as though everything is urgent, as though there is some sort of catastrophe and everything must be passed right now. This makes absolutely no sense.

What is more, the government rises and moves a time allocation motion every time. This shows that it is incapable of governing. Normally, a government would have discussions and negotiate with the opposition to pass bills. The Conservative government is proving incapable of sitting down with the opposition to negotiate within our very own country.

What message does this send to the international community? If the Conservatives cannot even sit down with the opposition to negotiate, what does that mean when they negotiate with other countries? It must be utterly pathetic. They should reconsider their approach. They keep making fools of themselves.

Hon. Bernard Valcourt: Mr. Speaker, it is strange to hear the hon. member compare Canada's parliamentary performance with that of other countries. I encourage the hon. member to think about how other majority governments throughout the world operate. I think she could learn something.

The fact that the government has had to move a 44th time allocation motion is not ridiculous. What is ridiculous is that this shows that, for the 44th time, the opposition party is unable to support a legislative measure proposed by the government. There is something wrong when we cannot rely on our parliamentary system or the discussions that take place in committee to improve bills.

Once the five hours of debate on the bill in question are complete, it will be sent to committee. There, MPs will have ample opportunity to propose amendments.

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, I will repeat what the minister just said.

He wants to send the bill to committee so that members can propose amendments. However, after second reading, members are more limited in the amendments they can propose.

The question that I would like to ask the minister deals with procedure. If what the minister just said is true, why did the government not choose to send the bill to committee before second reading?

A period of five extra hours is allotted for debate, as with the motion moved today. No vote is necessary; the bill is automatically sent to committee. The committee would therefore have all the latitude it needs, and the minister seems to want to give the committee that latitude.

In addition, we could have avoided this 44th time allocation motion, which imposes a time limit and a vote and undermines Parliament. We are going to waste another hour—a half-hour of debate and a half-hour to call in the members for the vote.

If the Conservatives were really serious, why did they not choose to send the bill to committee before second reading in order to make the committee's job easier?

● (1125)

Hon. Bernard Valcourt: Mr. Speaker, the bill was introduced in the Senate over 18 months ago. Many witnesses appeared before the Standing Senate Committee on Aboriginal Peoples, and representatives from the Atlantic Policy Congress of First Nation Chiefs clearly indicated that they supported the bill in its current form.

The measure was not imposed on anyone. In fact, it is a concessive law that will empower first nations to choose a new election system, which would be developed by first nations.

If the Liberals and NDP want to oppose first nations' desire to update their election system, they are free to do so. However, we believe that it is time for action.

Mr. Marc-André Morin (Laurentides—Labelle, NDP): Mr. Speaker, I would remind the minister that it is MPs who are elected by the people, not senators.

What is done there does not count for most people. Canadians will not stand for people wallowing in their tax dollars.

Earlier members were talking about what was ridiculous, and I would like to continue along the same lines. What is truly ridiculous is that 44 gag orders mean 44 30-minute debates and 44 30-minute bells for votes. That is the equivalent of two days lost. The Conservatives tried to make us vote until midnight, until the end of the session, and they gave all kinds of absurd reasons to justify the gag orders, which is completely ridiculous. They spent weeks doing absolutely nothing this spring, while we on this side of the House did all the talking.

Hon. Bernard Valcourt: Mr. Speaker, I will simply say that Bill S-6 is necessary so that Canada's first nations can have the option of conducting their elections within a legislated system, a system that is robust, modern and similar to electoral systems used by other levels of government in the country. That is what we will accomplish by passing this motion. A standing committee of the House will study the bill.

[*English*]

Mr. Daryl Kramp (Prince Edward—Hastings, CPC): Mr. Speaker, our government has and will continue to work closely with first nation organizations to bring about a real process and improvements that would make the election process work for first nations.

We know that a stronger electoral system would help first nations create the political stability necessary for solid business investments, long-term planning and relationship-building that would lead to increased economic development and prosperity and job creation for first nation communities.

Today, would the Minister of Aboriginal Affairs and Northern Development please explain how this legislation is different from the antiquated, archaic election system in the Indian Act, which certainly has not been serving first nation communities?

Hon. Bernard Valcourt: Mr. Speaker, the simple fact of the matter is that the Indian Act is an antiquated, outdated, archaic, paternalistic piece of legislation that dates back to 1867, I believe. It must be replaced with modern legislation.

On this side of the House, we understand that it cannot be replaced overnight. That is why we are taking practical, incremental steps to do just that. Bill S-6, which we are dealing with today, would be just one of those practical solutions.

The bill would offer several key improvements over the current Indian Act election system, including four-year terms of office; the possibility that several first nations could hold their elections on a common day; defined offences and penalties that would allow questionable election activities to be prosecuted; and, finally, the removal of the role and decision-making power of the minister in election appeals.

I know that on that side of the House, the NDP and the Liberals would like to keep the minister intervening with this paternalistic approach to first nations, but we do not agree.

● (1130)

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I always regret that the government House leader comes in and tells us that we are going to have time allocation and then leaves whatever minister is responsible for the bill to account for the fact that we have, yet again, a consistent approach of limiting time for debate on bills. As far as I can see, it is the decision not of the hon. minister who is here to answer questions but of the government House leader who is not.

I would once again bemoan the fact that with time allocation having been brought 44 times into this Parliament, we are breaking all historical records. One of the inevitable results of time allocation is that members of Parliament who are not in recognized parties, such as me, as leader of the Green Party, will not have an opportunity to participate in the debate on Bill S-6 other than through questions and comments.

I ask the hon. minister if he would please prevail upon his colleagues in the Privy Council of this particular Prime Minister to change this anti-democratic trend, which is really going to be the legacy of this particular administration as the most repressive in the history of Canada.

Hon. Bernard Valcourt: Mr. Speaker, I hope that my hon. colleague finds solace in the fact that this act, indeed, would be of benefit to first nations.

I understand that many members on the opposite side of the House like to talk. However, on this side of the House, we like to act, and this is about acting. This piece of legislation has been in the works for over eight years. First nation communities under the Indian Act have been fully engaged throughout the country. It is simply time that we passed this bill so that those first nations can get the benefit of the bill.

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, when I heard the minister describe the Indian Act as being antiquated, outdated, et cetera, I thought he was talking about the Senate, where this bill originated a year and a half ago. It was debated in this House for a few minutes, at around midnight, last week. Now the minister says that if time allocation is not brought in, it will not be passed.

What is going on is that democracy is being turned on its head. The Senate had this bill a year and a half ago. The unelected Senate, which has no New Democrats and has only appointed people, has debated this bill. It called witnesses, and it heard all about it.

Now, for some reason, all of a sudden, it is urgent that we not have debate on this except for five hours. Is this now becoming routine that this House will effectively be only the rubber stamp for what goes on in the Senate? We are turning democracy on its head here. I hoped that the minister would not want to continue doing that.

Hon. Bernard Valcourt: Mr. Speaker, as the experienced member likes to talk about the Senate and democracy being turned on its head, maybe he could explain to Canadians why his party opposes all efforts made by this government to put democracy back on its head by electing senators at the provincial level.

The member complains about the Senate, yet at every step of the way, New Democrats do everything they can to prevent this government from transforming the Senate to an institution with elected members that has the respect of Canadians.

If the member is really concerned about democracy, he should put pressure on his leader, his colleagues and his party to change their position and support Senate reform.

● (1135)

[*Translation*]

Hon. Mauril Bélanger: Mr. Speaker, I will try this again. Earlier, I asked the minister a question, but he did not answer it.

If the government had chosen to send the bill to committee before second reading, we could have used the same number of hours of debate but avoided this confrontation and this situation, which is undermining the role of Parliament. Those are the rules of the House. That would have been far more respectful of the parliamentary process.

Why did the government choose to impose time allocation instead of sending the bill to committee before second reading?

Hon. Bernard Valcourt: Mr. Speaker, with all due respect for the member, he is talking about following the rules. Those rules allow the government to move a motion such as the one moved earlier by the Leader of the Government in the House of Commons.

If, despite its openness towards the opposition parties in trying to pass a bill, the government simply faces opposition, it is set out in the rules that the government may, at a given time, act in the best interests of Canadians and first nations. That is the goal of the motion currently before the House.

[*English*]

Mr. Kennedy Stewart (Burnaby—Douglas, NDP): Mr. Speaker, I, like my colleagues and the rest of the House, abhor this constant closure of debate.

I have a follow-up question for the hon. minister. He was talking about electing a Senate. I heard the Prime Minister, in response to a question in question period the other day, utter about his party perhaps waffling between their lame reforms, I would say, for the Senate, and abolition.

The Prime Minister himself said abolition, so I wonder if the minister could answer as to whether or not that is now in the plans.

Mr. Greg Rickford: Mr. Speaker, with all due respect, with the exception of the question from my friend from Ottawa—Vanier, the questions coming from the official opposition have been focused on the abolition of the Senate.

The minister has some important things to say about the piece of legislation that we are supposed to be debating.

Mr. Speaker, I would respectfully ask you to refocus the debate, for the benefit, I am sure, of the members across the way.

The Deputy Speaker: In fact, the questions have been relevant to the motion before us with regard to the Senate, since it is a Senate bill.

The hon. Minister of Aboriginal Affairs and Northern Development.

Hon. Bernard Valcourt: Mr. Speaker, this important piece of legislation will have serious and significant benefits for first nations whose election system is currently under the Indian Act.

Because of the work that has taken place since 2008, and the full engagement of first nations who have made all of the recommendations that have led to the drafting of the bill, we believe on this side of the House that it is time that first nations received the benefits of their bill.

That is why the motion is before the House, so we can finally pass this piece of legislation and make it law.

Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC): Mr. Speaker, I want to thank the minister for taking the time to be explicit about what the bill is about.

It is only the opposition members who would think that having something started in 2008 and having it resolved in 2013 is pushing it through.

However, I want to get back to what we are here to speak about. It is my understanding that the election of chiefs and councillors can be held in three ways. One of the ways is outlined in the Indian Act, and it falls under the Indian band election regulations. The other way falls under the first nation's own leadership selection process, under what is called "custom election code". To my understanding, the third way is also pursuant to the community's constitution contained in a self-government agreement.

Some of the background I have is that of the 617 first nations in Canada, 239 hold elections under the Indian Act and the Indian band election regulations, 342 will select their leadership according to their own community or custom election code, and 36 of those are self-government.

Could the Minister of Aboriginal Affairs explain why Bill S-6 is necessary as an additional option by which first nations could hold their elections?

● (1140)

Hon. Bernard Valcourt: Mr. Speaker, the hon. member for Lambton—Kent—Middlesex is absolutely right in terms of the current situation.

The Indian Act election system contains several weaknesses that contribute significantly to unstable first nations governments. Among these weaknesses is the two-year term of office. Therefore, a good chief with a good council have a mandate of two years. We know, as legislators, that we cannot engage and execute a program or an initiative within two years; we need more time to execute a plan. However, chiefs and council have difficulties because of that two-year term of office.

There is currently a very loose nomination system. Sometimes there can be as many as a hundred candidates for a post of councillor. The mail-in ballot system is open to abuse. I have received numerous complaints as the minister of the department on this. Additionally, the current Indian Act contains no defined offences and penalties to enforce a rigorous, fair and transparent system, which this bill would achieve.

[*Translation*]

Mr. Dany Morin (Chicoutimi—Le Fjord, NDP): Mr. Speaker, my question is for the Conservative minister. Why is his government so incompetent in comparison to all other governments in the history of Canada?

True, the government's toolbox does include the discretion to use time allocation motions, but never in the history of Canada and all the parliaments has a government used a time allocation motion 44 times to silence the opposition. The Conservative member complained and moaned that NDP members opposed his bill and that is why he moved this motion.

However, why were previous Canadian governments, the Progressive Conservatives and the Liberals, more competent in terms of getting their bills passed? The current government is apparently too incompetent to get its bills passed, ostensibly for the good of Canadians.

Why did the other governments in Canada's history not need as many time allocation motions as this government?

Hon. Bernard Valcourt: Mr. Speaker, the hon. member mentioned competence.

In this regard, I would remind him, along with all my colleagues in the House and all Canadians, that this government's legislative agenda and the actions it took helped the country come out of the recession that took such a devastating toll across the world.

Just last month, about 95,000 new jobs were created in the country. This is the result of the Conservative government's policies. In addition to successfully creating so many jobs for Canadians over this short term, the government has also lowered taxes to a level where a typical small Canadian family consisting of a father, a mother and two children is saving $3,200 per year.

Perhaps $3,200 a year does not seem like much to an opposition member, but to an individual or a small family...

The Deputy Speaker: The hon. member for Chicoutimi—Le Fjord on a point of order.

Mr. Dany Morin: Mr. Speaker, earlier when my Conservative colleague rose on a point of order to ensure that the debate, both the questions and the answers, was on the time allocation motion, I thought he made a good point. I would therefore remind the minister that he should do the same thing and not talk—

The Deputy Speaker: That is not a point of order.

The hon. minister.

● (1145)

Hon. Bernard Valcourt: Mr. Speaker, he opens the door, but he does not want us to come in. He should just reword his questions.

The fact remains that it is important to pass Bill S-6 in order to give first nations living under the Indian Act the means to have transparent and open elections. These elections will in turn create a better climate in first nations for the economic, cultural and social development of their communities.

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, I am pleased to ask a question.

My colleague must be sick of getting up in the morning to be told by the Leader of the Government in the House of Commons that he is moving a time allocation motion on a bill that relates to his portfolio. This is the fourth or fifth time this month, at least, that the minister has had to answer our questions. He should talk to his leader if he is starting to grow tired of it because he seems to be sick of answering these questions.

Based on the answers he has been giving today, we see that the minister knows very little about parliamentary procedure. He seems to find that funny. I see him laughing. That is just fine.

Does he think that a bill can be passed without a time allocation motion and, if so, would inordinate delays slow down the process to the point where it would be impossible to make progress?

Hon. Bernard Valcourt: Mr. Speaker, I am laughing because the member brought up parliamentary procedure. I was thinking about the period from 1984 to 1993, when I sat in the House of Commons on the government side.

I watched federal politics closely for more than 20 years before I returned in 2011. My experience in Parliament has taught me one thing: when the opposition systematically prevents Canadians—and in this case, first nations—from benefiting from a bill, the government should do everything it can to get the bill passed as quickly as possible, which is what we are doing.

The Deputy Speaker: Order. It is my duty to interrupt the proceedings and put forthwith the question necessary to dispose of the motion now before the House.

[*English*]

The vote 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 yeas have it.

And five or more members having risen:

The Deputy Speaker: Call in the members.

● (1225)

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

(Division No. 746)

YEAS

Members

Ablonczy
Adler
Albas
Allen (Tobique—Mactaquac)
Ambler
Anders
Armstrong
Bateman
Bergen
Bezan
Block
Braid
Brown (Leeds—Grenville)
Brown (Barrie)
Butt
Calkins
Carmichael
Chisu
Clarke
Daniel
Dechert
Dreeshen
Dykstra
Fletcher
Gallant
Glover
Goldring
Gourde
Harris (Cariboo—Prince George)
Hayes
Hillyer
Holder
Jean
Keddy (South Shore—St. Margaret's)
Kerr
Kramp (Prince Edward—Hastings)
Lauzon
Leef
Lemieux
Lizon
Lunney
MacKenzie
McColeman
Menegakis
Merrifield
Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)
Nicholson
Obhrai
O'Neill Gordon
O'Toole
Payne
Preston
Rajotte
Rempel
Rickford
Schellenberger
Shea
Shory
Stanton
Strahl
Toet
Trost
Truppe
Uppal
Van Kesteren
Vellacott
Warawa
Watson
Weston (Saint John)
Williamson
Woodworth
Young (Oakville)
Zimmer– — 145

Adams
Aglukkaq
Albrecht
Allison
Ambrose
Anderson
Aspin
Benoit
Bernier
Blaney
Boughen
Breitkreuz
Brown (Newmarket—Aurora)
Bruinooge
Calandra
Cannan
Carrie
Chong
Clement
Davidson
Del Mastro
Duncan (Vancouver Island North)
Findlay (Delta—Richmond East)
Galipeau
Gill
Goguen
Gosal
Grewal
Hawn
Hiebert
Hoback
James
Kamp (Pitt Meadows—Maple Ridge—Mission)
Kenney (Calgary Southeast)
Komarnicki
Lake
Lebel
Leitch
Leung
Lobb
MacKay (Central Nova)
Mayes
McLeod
Menzies
Miller
Norlock
O'Connor
Opitz
Paradis
Poilievre
Raitt
Reid
Richards
Saxton
Seeback
Shipley
Sopuck
Storseth
Sweet
Toews
Trottier
Tweed
Valcourt
Van Loan
Wallace
Warkentin
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)
Wilks
Wong
Yelich
Young (Vancouver South)

NAYS

Members

Allen (Welland)
Angus
Atamanenko
Bélanger
Benskin
Blanchette
Boulerice
Brosseau
Caron
Cash
Chicoine
Choquette
Comartin
Cotler
Cullen
Davies (Vancouver Kingsway)
Dewar
Dionne Labelle
Doré Lefebvre
Duncan (Etobicoke North)
Dusseault
Eyking
Fortin
Garneau
Andrews
Ashton
Aubin
Bennett
Bevington
Blanchette-Lamothe
Boutin-Sweet
Byrne
Casey
Charlton
Chisholm
Christopherson
Côté
Crowder
Cuzner
Day
Dion
Donnelly
Dubé
Duncan (Edmonton—Strathcona)
Easter
Foote
Fry
Garrison

Genest	Genest-Jourdain
Giguère	Godin
Goodale	Groguhé
Harris (Scarborough Southwest)	Harris (St. John's East)
Hughes	Jacob
Jones	Julian
Karygiannis	Lamoureux
Lapointe	Larose
Latendresse	Laverdière
LeBlanc (Beauséjour)	LeBlanc (LaSalle—Émard)
Leslie	Liu
MacAulay	Mai
Martin	Masse
Mathyssen	May
McCallum	McKay (Scarborough—Guildwood)
Michaud	Moore (Abitibi—Témiscamingue)
Morin (Chicoutimi—Le Fjord)	Morin (Notre-Dame-de-Grâce—Lachine)
Morin (Laurentides—Labelle)	Murray
Nash	Nicholls
Nunez-Melo	Pacetti
Papillon	Patry
Péclet	Perreault
Pilon	Plamondon
Quach	Rafferty
Rankin	Ravignat
Raynault	Regan
Rousseau	Saganash
Sandhu	Scarpaleggia
Scott	Sgro
Simms (Bonavista—Gander—Grand Falls—Windsor)	
Sims (Newton—North Delta)	
Sitsabaiesan	St-Denis
Stewart	Stoffer
Sullivan	Thibeault
Toone	Tremblay
Turmel	Valeriote– — 118

PAIRED

Nil

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

SECOND READING

The House resumed from May 28 consideration of the motion that Bill S-6, An Act respecting the election and term of office of chiefs and councillors of certain First Nations and the composition of council of those First Nations, be read the second time and referred to a committee.

The Acting Speaker (Mr. Barry Devolin): Order. When Bill S-6 was last before the House, the hon. member for Western Arctic had completed his speech. There are eight minutes remaining in questions and comments.

Questions and comments, the hon. member for Sherbrooke.

● (1230)

[*Translation*]

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, I am pleased to be able to ask my colleague a question in response to his speech on Bill S-6, which we are debating today. This is another bill regarding first nations.

Every time we talk about first nations, we must remember that the government has a duty to consult when it is doing anything regarding rights, reserves or anything related to first nations.

I would like to ask my colleague whether consultations on Bill S-6 were done regarding elections on aboriginal reserves. If so, were the results of those consultations taken into account in the Bill S-6 we have before us today?

[*English*]

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, of course, there were consultations that took place with two first nations groups in particular. However, the requirements that came out of those consultations were not met. The Assembly of Manitoba Chiefs has withdrawn its support for the bill. There is still some support from the Atlantic Policy Congress of First Nations Chiefs.

I want to read an email that I was copied on, which was directed to the parliamentary secretary for aboriginal affairs. It is from a person from Band 23 in New Brunswick. She says:

> I was watching second reading of the Bill on CPAC last night (Tuesday May 28, 2013) and it brought to mind some interesting concerns regarding the process by which this legislation and others, has unfolded. You specifically mentioned an organization that supposedly represents the interests of the people in Atlantic Canada —the Atlantic Policy Congress of First Nations Chiefs—and praised their input in the process. And there was mention, I am not sure if it was by you, that Chiefs were asked to take this legislation back to their communities to solicit input from the people. Well, from a personal perspective there has been no consultation with the people in my community. In fact, you would be hard pressed to find someone who has any idea these changes....have been duly informed and have had an opportunity to question and comment. This has not been the case with Woodstock Band 23 in New Brunswick and if one community has been left out then I am sure there are others have been as well.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, I want to thank the member for Western Arctic for his input on this piece of legislation and, of course, for the great work that he does on the aboriginal affairs committee.

There is one specific clause in the bill that I want to ask the member about, clause 41, which provides for Governor in Council to make regulations.

We just finished with Bill S-8 on safe drinking water, which was all about making regulations. The concern that was raised under Bill S-8, and I am sure it will be raised under Bill S-6, is the fact that there is no rigorous provision for first nations to be involved in making regulations. In fact, the NDP proposed an amendment to Bill S-8 that would see regulations come back before the House and tabled to the appropriate committee so that there would be parliamentary oversight.

Could the member comment on the fact that there is no provision in this piece of legislation for first nations to be involved in the development and implementation of regulations?

Mr. Dennis Bevington: Mr. Speaker, certainly that is the nub of the issue with this bill and so many of the bills that the Conservatives have put forward regarding first nations governments. There has been lip service paid to the idea that first nations governments have a legitimate status, and they do under the Constitution and in so many ways, yet we leave them out of so much of this legislation that is going forward right now.

Regulation is where the rubber hits the road in this bill. Under section 3, the minister would just have to be satisfied that a protracted leadership dispute has significantly compromised governance of a first nation, whatever that means. The minister could then force that first nation into the Elections Act and put forward the regulations of how that would occur. Without any appeal, if the minister had a problem with a first nation, he or she would have the ability to shut it down and put in new elections regulations. This is really inappropriate.

● (1235)

The Acting Speaker (Mr. Barry Devolin): Order. Before I go to questions, I would ask all hon. members, if they are staying in the chamber, to take their seats and listen to the debate; it would be greatly appreciated.

Questions and comments, the hon. member for Saanich—Gulf Islands

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, we are looking at time allocation on this complex bill and less time to get at it. However, I can see from presentations from first nations, such as the one from B.C. Regional Chief Jody Wilson-Raybould, that there is acknowledgement that the bill represents some progress. At the same time, there is deep concern that it is not the right way to move toward a transition to greater self-government.

Given time allocation, does my friend for Western Arctic think there is going to be any way that we can repair the things that are wrong with the bill and pass it in a form that would meet with the approval of first nations across Canada?

Mr. Dennis Bevington: Mr. Speaker, I am afraid that is simply not going to happen, whether time allocation occurs or not. The Conservative majority government has chosen not to deal with amendments in a good fashion on the aboriginal affairs committee for the last two years that I have sat on it.

A good example was Bill C-47, a bill that deals only with specific regions of the country. Representatives of those regions of the country put forward 50 amendments. New Democrats brought them forward and the Conservatives chose not only to vote against them but to not even speak to them. Once a bill is written, they do not seem to be interested at all in trying to work with the bill to make sure it is in a good fashion. The consultation is weak. Witnesses now would rather not come to the aboriginal affairs committee because they see it as a waste of their time.

The process is falling apart around the Conservative government, and it keeps pushing forward with these bills.

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, I am sad to say that the bill represents yet another of the bait-and-switch approaches of the government. In good faith, the first nations have suggested the need for legislation in a certain area. The government went forward and drafted a bill and then put in a poison pill that no first nation can live with.

This was to be an opt-in bill. That was the purpose of the bill, that first nations could decide whether to adopt the template for first nations elections as outlined in the bill. Then the government put in paragraphs (*b*) and (*c*) of one clause that give the minister unprecedented powers to impose it on a first nation.

Yet again, the Conservatives cannot help themselves. Why can they not listen? They pretend they do not know, but the bill actually came from the Senate and all of this was debated in the Senate. The Assembly of First Nations, the Atlantic Policy Congress and all of these people told the government that, and yet there is no concession that there needs to be an amendment and that these egregious paragraphs of the clause need to be removed.

The bill is to establish an alternative regime to the one in the Indian Act to govern the election of chiefs and councillors of certain first nations. Among other things, the regime would provide that chiefs and councillors hold office for four years. It would provide that the election of a chief or councillor might be contested before a competent court and sets out the offences and penalties in relation to the election of that chief or councillor. The enactment would also allow first nations to withdraw from the regime by adopting a written code that sets out the rules regarding the election of members of their council.

Although the Liberal Party is very supportive of what was the intent of the bill, we will be moving amendments that would remove the part that is so offensive to first nations in terms of, yet again, the paternalistic approach—father knows best—of the minister being able to impose this on what was intended to be a purely opt-in piece of legislation.

Although we will support the bill, and again we agree with the choice to adopt an improved election process over that contained within the Indian Act, we insist that Parliament must ensure that Bill S-6 does not give the Minister of Aboriginal Affairs new powers that go against the opt-in nature of this legislation.

For first nations that currently hold elections under the Indian Act, this opt-in legislation contains many improvements to the election process, including extending the term of office for chiefs and council from two to four years and removing the involvement of the minister and the department in the appeals process in setting out offences and penalties for corrupt and fraudulent activities.

However, given the opt-in nature of Bill S-6, it is unacceptable that the Conservatives have included a clause that introduces a new power for the minister to compel first nations currently under their own custom election code to go under the elections process established in the bill. The Assembly of First Nations calls this "inappropriate use of federal legislation".

Further, rather than creating a new independent and impartial first nations elections appeals body, the government chose instead to refer the appeals process to the court system, which might prevent first nation citizens from bringing forward legitimate appeals, as the cost of going to court could be prohibitive.

While the bill is largely based on consultations with first nations, the Conservatives have included elements that were not supported during the consultations and have refused to remove or amend the offending sections. Yet again, the government has no idea what consultation means. Consultation means we go out and ask the questions and actually listen to the answers.

● (1240)

Consultation does not mean an information session, just dictating "take it or leave it" and then not coming back with the amendments or some evidence that we had heard what was said.

It is clear that no first nations, even the first nations who brought the idea of this bill to government, are in favour of these two paragraphs in clause 3 that give this unprecedented power to the minister.

As we said before, Bill S-6 is largely based on the outcome of a consultation process conducted by the Assembly of Manitoba Chiefs and the Atlantic Policy Congress of First Nations Chiefs, which resulted in the publication of the discussion paper, "Improving the System for First Nations Elections", in October 2010.

The discussion paper identified problems with the election provisions under the Indian Act. There are 240 first nations in Canada that hold elections under the Indian Act electoral systems, 341 first nations that hold elections under their community or custom election code and 36 first nations that currently select their leaders under self-government agreements.

Bill S-6 would allow first nations under the Indian Act system or custom codes to opt in to the proposed legislation through a band council resolution.

The AMC-APC discussion paper identifies several reasons why there should be another option for first nations that wish to leave the outdated Indian Act system.

The term of office for elected chiefs and councils under the Indian Act is only two years, which places communities in a continual state of electioneering and undermines long-term planning.

The mail-in ballot is prone to abuse.

The appeals process to the Minister of Aboriginal Affairs and Northern Development is paternalistic and complicated and often takes too long to produce findings and a final ruling.

The absence of defined election offences and associated penalties, like those in the Canada Elections Act, allows alleged cheating and activities like selling and buying of votes to go unpunished.

The AMC-APC discussion paper made suggestions to remedy these concerns, which are included in Bill S-6: namely, the term of office is increased to four years; the mail-in ballot system is improved; the minister is removed from the appeals process; and new election offences and penalties are prescribed.

In addition to these concerns, the discussion paper as well as the May 2010 report by the Senate committee on aboriginal peoples, "First Nations Elections: The Choice Is Inherently Theirs", suggested that a new and independent impartial elections appeal body be established to provide culturally appropriate and cost-effective appeals.

The government chose instead to refer the appeals process to the court system, which might prevent first nations citizens from bringing forward legitimate appeals, as the cost of going to court could be prohibitive. It appears that this is simply a transfer of costs related to appeals from the department to individual first nations citizens.

The Senate committee's observations on Bill S-6 also noted that, "...the proposed approach may not practically address the need for an expeditious and culturally appropriate appeals process".

Bill S-6 is an optional piece of legislation and is clearly preferable for first nations that are dissatisfied with the current Indian Act system but have decided not to enter in a community or custom election code.

However, the bill as currently written, provides in paragraph 3(1)(*b*) the Minister of Aboriginal Affairs and Northern Development with explicit powers to bring first nations currently under the Indian Act system or a custom code under Bill S-6 if:

> the Minister is satisfied that a protracted leadership dispute has significantly compromised governance of that First Nation;

Paragraph 3(1)(*b*) is deeply problematic for two reasons. First, it would give the minister new powers to place first nations, which are currently under custom code, under the new first nations election act, despite the fact that under current legislation the minister has no power to intervene in custom code first nations without a formal request from the first nation or a court order. The minister does have similar powers under the Indian Act, but not related to custom code first nations.

● (1245)

Second, the terms "protracted leadership dispute" and "significantly compromised governance" are not defined in the legislation. Paragraph 3(1)(*b*) should be amended to define these terms and clarify that paragraph 3(1)(*b*) does not apply to custom code first nations, which should retain the ability to choose if and when they wish to enter into new legislation.

I would recommend to the government and to the minister to read what happened in the Senate. Here on this side we are blessed to have senators who do extraordinarily good work. I commend to the government the six reasons as stated by Senator Lillian Dyck in her speech in the Senate as to why this bill needs to be amended.

She gives six reasons. The first is that no one agreed with these measures, except for the Department of Indian Affairs. The second is that it is unconstitutional; third, the minister gains new powers; fourth, there are better ways to intervene; fifth, there is no guarantee that the minister would not use the clause inappropriately; and sixth, it is just not the right thing to do in the 21st century, when we are trying to have first nations communities build capacity to develop their own custom code elections.

In her speech, Senator Dyck went on to quote from the organizations that had provided the genesis for this bill and explained that both the regional first nations organizations, the Assembly of Manitoba Chiefs and the Atlantic Policy Conference, who were the instigators of this legislation, were asked only for opt-in provisions with regard to paragraph 3(1)(b). She quotes Chief Nepinak of the Assembly of Manitoba Chiefs, who stated:

> If I may, I would agree with a recommendation that 3(1)(*b*) and (*c*) be severed from the legislation. I agree with your characterization of these provisions to be reflective of a time that has come and gone, a paternalistic approach to management of the relationships within our communities.

She went on then to quote Mr. John Paul of the Atlantic Policy Conference, stating:

> Imposing the will on a community externally has consequences. We have learned over the years that if anyone imposes their will upon communities, they are very negative about that kind of stuff.

Then she went on to quote Chief Jody Wilson-Raybould of the Assembly of First Nations, saying:

> Unfortunately, the power set out in subclauses 3(1)(*b*) and (*c*) of this proposed bill . . . is actually an example of an inappropriate use of federal legislation, an inappropriate use of federal legislation I referred to at the First Nation-Crown gathering. These provisions essentially give the minister the ability to impose core governance rules on a First Nation, which, if ever used, would be resented by that First Nation, would not be seen as legitimate in the eyes of that nation, and would probably add fuel to an already burning fire.

Dr. Dyck then went on to quote the witness from the Canadian Bar Association, who stated that that clause should:

> ...explicitly exclude First Nations with self-government agreements and First Nations that are currently operating under customary systems of governance, unless their consent is obtained in accordance with either their customary practices or, in the absence thereof, by a double majority vote.

Witnesses from the Assembly of First Nations, she says, as well as the Assembly of Manitoba Chiefs and Chief Cook-Searson from Saskatchewan, all thought that paragraph 3(1)(*b*) should be deleted from the bill. The message was very clear: paragraph 3(1)(*b*) should be deleted because it is unacceptable practice in the 21st century and because without excluding the first nations operating under custom code elections, the bill goes beyond the scope of opt-in legislation for first nations under the Indian Act.

● (1250)

Dr. Dyck then went on to her second reason to delete the clause: its unconstitutionality.

She again quoted the witness from the Canadian Bar Association, who said that application of paragraph 3(1)(*b*) to first nations with customary systems of governance potentially infringes on constitutionally protected rights of self-governance. The witness stated:

> Allowing the minister to prescribe a form of election for First Nations that currently operate in accordance with customary elections would represent a significant interference with protected rights of self-government.

She went on to quote the witness, who stated that:

> The broad discretion afforded to the minister to include participating First Nations could then impact on constitutionally protected rights and international legal principles.

Dr. Dyck then went on:

> In addition, while the government officials stated that the minister has ordered a new election only three times in First Nation elections in the last 10 years, and while they insisted that the minister would only do so in rare circumstances, such an action would be a continuation of archaic colonial practices and is completely contrary to the inherent right of First Nations to govern themselves.

She stated she felt that:

> Granting such legislative power to the minister of AAND is particularly troublesome coming right after the Crown-First Nation accord in January, where National Chief Atleo urged the government to "re-invigorate the original relationships that were based on mutual recognition, sharing, and trust" and reset the agenda.

Dr. Dyck talked about the third reason to delete paragraph 3(1)(*b*), explaining again that new powers under the custom code first nations through this clause are unacceptable. She said:

> There are 341 First Nations that operate under custom election codes. If Bill S-6 passes, the minister would be able to intervene in any protracted leadership disputes they may have, and such intervention would supersede the voluntary Custom Election Dispute Resolution Policy.

That is the policy that is now in practice.

Her fourth reason to delete paragraph 3(1)(*b*) was that:

> ...there are better ways to intervene in prolonged election disputes. AANDC witnesses stated it was necessary to order such First Nations to hold Bill S-6 type elections because in Indian Act elections there are no provisions defining election offences or setting penalties for such offences. However, this could be remedied simply by amending the Indian Act to contain the same provisions as in Bill S-6 that outline the offences and penalties. If the minister then orders an Indian Act election for a First Nation that operates under custom code, the Indian Act election would have the same offences and penalties as under Bill S-6.

The fifth reason Dr. Dyck cited was that:

> ...there is no guarantee that the minister will not use clause 3(1)(*b*) inappropriately. The department argues that First Nations can trust the minister not to use this clause inappropriately because the minister of AANDC has intervened only three times in the past 10 years; however, there is no guarantee that this will hold true in the future.

As we know, there is very little trust between first nations and the government at this time.

It is concerning to Dr. Dyck, as she has said:

> For example, as pressure mounts to increase natural resource development on or near First Nation land, there is great potential for significant dissension, and as First Nation communities, provincial governments and private sector organizations try to negotiate agreements, there likely will be protracted leadership disputes in First Nation communities.

Her sixth reason was that it is simply not the right thing to do in the 21st century. I quote her closing. She said:

> Honourable senators, please let us do the right thing, let us do the honourable thing: Let us pass an amendment to delete clause 3(1)(b). I outlined six reasons why we should do this. First Nations deserve our support in amending Bill S-6 to delete clause 3(1)(b). Please, honour their request.

● (1255)

Mr. David Wilks (Kootenay—Columbia, CPC): Mr. Speaker, I was listening intently to the member for St. Paul's and I just want to clarify something that she said.

She said the bill is very specific as to the conditions under which a minister may bring a first nation under the act without its consent. It states that the minister may do so if satisfied that a "protracted leadership dispute" has "significantly compromised governance" of that first nation.

The power under the Indian Act has only been exercised three times, as she mentioned, for the purpose of addressing a governance dispute. In each case, the minister exercised his power after reasonable efforts to reach a community-based solution had been exhausted.

Does the member not feel that the minister makes every opportunity available to the first nation to ensure that it has exhausted every option to try to resolve it from within before the minister gets involved?

Hon. Carolyn Bennett: Mr. Speaker, I thank the member for the question, but I think the point is not whether it has been abused in the past but that there is obviously concern and a lack of trust as to whether it could be abused in the future, particularly around natural resources.

The issue right now is that this was a good bill that came forth, bottom-up, from first nations as an opt-in piece of legislation. This clause would now actually be a poison pill to first nations. What could have been an excellent example of bottom-up development from first nations coming forward with an idea for a bill would now see this increased power of the minister imposed upon first nations.

It is wrong in the 21st century for us to be doing this in a top-down way. This could have been a good piece of legislation. We implore the member to implore the government to get rid of this clause that is causing so much trouble.

[*Translation*]

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, I thank the member for St. Paul's for her speech on this bill, which was very enlightening and informative.

She must be just as frustrated as I am that the government has once again limited debate in the House. She raised some irrefutable arguments.

I would like to hear more about the government's recurrent paternalistic attitude and the bill that perpetuates it, and about the fact that the government is once again taking a piecemeal approach to reform.

Does my colleague not think the government should have had real consultations with first nations to develop a new rapport with them?

● (1300)

Hon. Carolyn Bennett: Mr. Speaker, I appreciate the hon. member's question.

If first nations wanted opt-in legislation, that would be a good idea.

However, when the government insists on adding a clause reflecting its paternalistic attitude, that is unacceptable. It is the 21st century, and we cannot abide this paternalistic attitude.

Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP): Mr. Speaker, I am a member of the Standing Committee on Public Accounts. About a year and a half ago, we examined the auditor general's report on a 10-year study of the quality of life in Canada's first nation communities.

The observations in that report were really hard to believe. The auditor general pointed out that, despite the investments and good intentions behind all the bills introduced in the House, we are just not seeing any results. Living conditions in aboriginal communities have not improved at all in the last 10 years.

Why? The auditor general mentioned some structural barriers that must be overcome:

> We recognize that the federal government cannot put all of these structural changes in place by itself since they would fundamentally alter its relationship with First Nations.

The next sentence is very important:

> For this reason, First Nations themselves would have to play an important role in bringing about the changes.

What does my colleague think of the role that first nations have played in developing the bill currently before us, Bill S-6? Did they play enough of a part? Was this bill created in a true spirit of co-operation? If not, what impact could this lack of real co-operation have?

Hon. Carolyn Bennett: Mr. Speaker, I would like to thank my colleague for her good question.

The government's approach does not take into account reality, or in other words, the connection between quality of life for first nations and their ability to manage their own affairs.

Research conducted by Chandler and Lalonde from the University of British Columbia concluded that first nations should have the authority to manage their own health care, education and elections. When a first nation has that authority, it has a higher quality of life.

This government's paternalistic approach is really bad for first nations' quality of life. I think that is the reason for the paternalistic little clause found in the bill. It is good for some first nations. However, once again, it is unfortunate that the government is taking a paternalistic approach.

● (1305)

Ms. Lysane Blanchette-Lamothe: Mr. Speaker, I heard my colleague, once again, express how disappointed she is in the government's paternalistic approach to this bill.

Does she know exactly what role the first nations played in the drafting of this bill?

Hon. Carolyn Bennett: Mr. Speaker, the Atlantic and Manitoba first nations participated in the discussions that led to this bill. However, it is unacceptable for the government to insist on adding a paternalistic clause without consulting all the first nations.

[*English*]

Mr. Ray Boughen (Palliser, CPC): Mr. Speaker, today I have the privilege of speaking in support of Bill S-6, the first nations elections act. Before I start, I would note that I will be sharing my time with my colleague, the member for Winnipeg South.

The bill we have before us today is the result of a comprehensive process of engagement that stretches back more than four years. I think that raises a question as to how fast we are trying to ram something through the House, when its birthdate was four years ago.

First nations community leaders and members across Canada have all had input on the bill. The engagement that took place over these years, led by first nations organizations with the support of the government, has allowed Bill S-6 to be inspired and developed, in large part by the people it would affect most, first nations community members.

It is the participation of first nations individuals and organizations that I would like to highlight today. In particular, I would mention the determination of the two first nations organizations, the Assembly of Manitoba Chiefs, under the leadership of former Grand Chief Ron Evans, and the Atlantic Policy Congress of First Nations Chiefs.

Individually at first, and then together with the support of Aboriginal Affairs and Northern Development Canada, the Assembly of Manitoba Chiefs and the Atlantic policy congress, this legislation evolved.

These organizations began their work in their home regions. Convinced of the need for electoral reform, they consulted at length with local leaders and communities. The quality and scope of regional consultations, and the similarity of their recommendations, encouraged the government to ask the Assembly of Manitoba Chiefs and the Atlantic policy congress to carry on the process and jointly lead a national engagement.

The aim of the Canada-wide effort was to share the recommendations of the Assembly of Manitoba Chiefs and the Atlantic policy congress and to seek the input and support of other first nation leaders and organizations across the country. With the support of Aboriginal Affairs and Northern Development Canada, the Assembly of Manitoba Chiefs focused its efforts in Saskatchewan, Alberta and British Columbia, while the Atlantic policy congress covered Ontario and Quebec.

If the opposition should question the extent of this engagement, l would suggest that they look no further than British Columbia. Former Grand Chief Ron Evans of the Assembly of Manitoba Chiefs, and his team, sat down first with the chief negotiators at the First Nations Summit in North Vancouver. The team then met with the Nuu-chah-nulth Tribal Council on Vancouver Island. They appeared before the British Columbia First Nations Summit assembly, and the Chiefs' Council of the union of British Columbia chiefs.

I would also add that the consultations undertaken by both the Assembly of Manitoba Chiefs and the Atlantic policy congress included more than just chiefs and band council leaders. From the very beginning, the Assembly of Manitoba Chiefs and the Atlantic policy congress reached out to individual band members across Canada. Their concern was not just with the steps in the engagement process that underpin the first nations elections act, but also the tools and mechanisms of engagement.

With dedicated modules on their respective websites, they outlined the recommendations and provided the reasoning behind each of them. With the addition of a simple feedback form, it was possible for individuals to express their ideas and thoughts about the initiative being proposed.

The government placed high value on this feedback during development of Bill S-6. The first nations elections act is not only informed by engagement, it is a stellar example of the benefits of engagement. It is an example of how collaborative efforts among first nations people, their leaders, their representative organizations and the federal government can devise solutions and achieve common objectives. It demonstrates the clarity that emerges from an open and authentic sharing of ideas.

● (1310)

Consider the consensus that flowed from this national effort. First nations people and their communities across Canada identified the same weaknesses in the Indian Act election system. Both groups of individuals found, first of all, that two-year terms of office were not satisfactory. A loose nomination system was not good. A mail-in ballot system was open to abuse and no defined offences and penalties were in place at that time.

The recommendations presented to the department, in 2010, by the Assembly of Manitoba Chiefs and the Atlantic policy congress are astonishingly similar. As a result, there is widespread agreement on the path to an effective and meaningful electoral reform agreement, which is now before the chamber in the form of Bill S-6. It is reform that would provide first nations with a solid legislative alternative to the Indian Act. It would create a truly democratic, open and transparent electoral system that would benefit first nations communities.

I also want to draw attention to the concurrent and complementary work of the Standing Senate Committee on Aboriginal Peoples. The committee's report, entitled “First Nations Elections: The Choice is Inherently Theirs”, is based on testimony delivered at approximately 20 public hearings in British Columbia, Manitoba and Ontario. These hearings ensured even greater opportunities for concerned citizens to weigh in on issues related to first nations electoral reform. In addition, these hearings and the committee's detailed report further legitimized the comprehensive process of enlightenment and engagement at the heart of the legislation.

Bill S-6 responds directly to a recommendation provided by the Senate committee and to several recommendations provided by the Assembly of Manitoba Chiefs and the Atlantic policy congress. It is informed by the feedback obtained from national engagement efforts. One noteworthy recommendation was for longer terms of office. With this longer term, first nations governments will be much more stable and better positioned, to not only work on their long-term plans, but to solidify other aspects of their governments as well.

Once the whole package is examined, I am sure the House will agree they can effectively hear and decide upon first nations elections as well. Indeed, the first nations elections act would honour the process by which it was created. It is legislation that results from a progressive electoral reform initiated to address weaknesses in the Indian Act and to bring modern governance to first nations.

Our government has brought forward this legislation as a legislative alternative, particularly for those first nations currently operating under the Indian Act It would allow them to hold elections under a legislative system that is strong and modern, and comparable to municipal, provincial and federal election systems in Canada. I commend the Assembly of Manitoba Chiefs and Atlantic policy congress for their efforts on behalf of all first nations communities, and for showing all Canadians how an open, collaborative and participatory process can help propel a matter as complex and fundamental to our democracy as electoral reform.

I am counting on all members of the House to show their support for the hard work of the Assembly of Manitoba Chiefs and the Atlantic policy congress by the adoption of Bill S-6.

● (1315)

[*Translation*]

Mr. Dany Morin (Chicoutimi—Le Fjord, NDP): Mr. Speaker, why are the Conservatives not addressing real issues related to the governance of first nations by providing the Assembly of First Nations with what it has asked for, namely, a simple and effective mechanism whereby the basic governance of a first nation can be exempt from the Indian Act—that title should be changed, by the way—once the first nation in question is ready, willing and able to govern itself and once its members have legitimized the governance reform with a community referendum?

Personally, I think that this would be the decent thing to do in order to stop treating Canada's aboriginal peoples like second-class citizens.

I would like my Conservative colleague to answer my question.

[*English*]

Mr. Ray Boughen: Mr. Speaker, we first have to understand that this act would give first nations an element of choice. There would be no gun to anyone's head to join. It would be totally up to first nation communities to decide whether they wanted to be part and parcel of the act.

Both the AMC and the APC have recommended the development of new and optional first nations elections. They want to provide a term of office of four years rather than two. They want to allow first nations to line up their terms of office and have a common election day. They want to provide more processes for the nomination of candidates. They want to provide a mail-in ballot system that is less susceptible to fraud and abuse. They want to remove the role of the minister in receiving, investigating and deciding election appeals, and they want to define and set out election offences and penalties that would reflect this interpretation of the act.

It is an act of choice; it is not one of dictatorial direction. Each community would have its own election to decide whether it wanted to belong to this new act.

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC): Mr. Speaker, I want to thank my colleague from Palliser for an excellent speech and for his wisdom on this very important issue.

He talked about how the government took this on and consulted with first nations, a process that he quite rightly said was four years long. It was about engaging first nations.

I think everybody realizes that this is an obsolete election process. As he said, it is fraught with fraud and abuse. It is about giving first nations a process that modernizes it and is respectful of the work of the Manitoba chiefs and other first nations who put so much time and effort into putting this piece of legislation forward.

A Liberal member recently spoke about how paternalistic this is, but this is about democracy and choice. I wonder if my colleague from Palliser could comment on why opposition members do not want democracy and equality for first nations. We are seeing a trend. We saw how they voted on matrimonial real property, which would give equality to first nations women. This is a trend.

I wonder if he could comment on the importance of moving forward with this legislation.

● (1320)

Mr. Ray Boughen: Mr. Speaker, that is a very insightful question. It is hard for me to know how to respond. As my colleague said, every act the government brings forward to assist first nations with their issues and concerns as bands and communities is voted down by the opposition. If it were not for strong government support, there would not be any of the improvements we now see in a lot of band councils that are moving forward with their issues, with help from this government. I do not know what the answer is to that.

Mr. Rod Bruinooge (Winnipeg South, CPC): Mr. Speaker, it is a pleasure to rise on Bill S-6. I thank my colleague from Palliser, who has done great work on behalf of first nations people throughout Canada over his years as a member of Parliament. He deserves to be commended for that.

When I was first elected in 2006, I was very fortunate to have been appointed parliamentary secretary to the department of Indian affairs, as it was known at that time. After receiving that appointment from the Prime Minister, and coming from Manitoba, I was tasked with many of the issues that face first nations people.

One of the first meetings I had in my office in Winnipeg was with Ron Evans, then first nations grand chief of the Assembly of Manitoba Chiefs. One of the first things to come out of his mouth at that meeting was in relation to these very topics we are talking about today. He said that he had a dream of seeing Manitoba and the entire country changed such that first nations electors could directly elect and do so in a common way on a common day. I was struck by his fervour for seeing a new system of electing first nations councillors and chiefs.

When I heard his message, I absolutely embraced it and immediately advocated taking his position to Ottawa to communicate it to then minister of Indian affairs, the Hon. Jim Prentice, and anyone else who would listen. I must say that Ron Evans did a great job communicating that philosophy.

When we look at the issues facing first nations in Manitoba and throughout the country, one of the core challenges is that upon someone becoming an elected councillor or chief, he or she is immediately faced with a very short electoral cycle.

As many of us will recall, when we were first elected in 2006, it was a minority Parliament. To become fully acquainted with all of the opportunities, roles and powers that come with being a member of Parliament requires time to become apprised of the role we are in. One of the challenges I think many of us found in the minority era was the fact that our electoral cycles were quite short and did not allow members to fully deliver on the roles they were given, because electoral politics became such a significant part of their day-to-day activities. One never knew when the next electoral event would happen.

That is the situation first nations chiefs and councillors face. They have a two-year cycle, which is very short. When they are first elected as councillors or chiefs, it takes them significant time to appreciate the finances and the files before the band. As they always have an eye on the next electoral event, they quickly realize that instead of chasing every file with the fervour they would like, they need to engage in the real politics of the role. No one should be blamed for that. It is just part of becoming an elected official.

It is very difficult to maintain the cohesion of a vision and actual policies within a two-year context. After two years, if they and their councils see a major change because of electoral results, there is a huge new process for having the entire council come together again with a collective vision to move forward for the community.

● (1325)

When former grand chief Ron Evans first brought this idea to me, it was definitely something I viewed as a historic change that should happen.

I am so proud that our Minister of Aboriginal Affairs and Northern Development and the parliamentary secretary have taken the time to craft this legislation on the basis of many of the recommendations the Assembly of Manitoba Chiefs first brought forward, not only in 2006-07, when it was more in the discussion phase, but at the 2008 grand assembly held just outside Grand Beach, Manitoba. I was fortunate enough to attend that meeting with a few other members of Parliament, including former Liberal member Tina Keeper, who is no longer in this House.

There was much support from all parties for those resolutions, which were passed unanimously by the Assembly of Manitoba Chiefs, which again, as many in this House know, represents a significant body of first nations in Canada. As the Treaty 1 through Treaty 8 first nations in Manitoba, they have a historic relationship with Canada as some of the first signatories to the important treaties that really helped develop western Canada. To have this specific body of chiefs speak with such unanimity on this issue really, in my opinion, gives a lot of force to the philosophy of what is being suggested.

Another element that I think probably gets less attention but is very important, at least to the original drafters of the concept, Ron Evans and the other chiefs and councillors who first recommended it, is a common election day. It would have a significant effect on the body politic in the jurisdiction. In this case, it was Manitoba.

The dream of Ron Evans was to have a single election day, which would allow both first nation and non-first nation people to appreciate the governance and the politics and the electability of first nation people. By having it on one day, it would become a significant event in Manitoba. There would be considerable attention and considerable media coverage. It was his dream that this would bridge some gaps that exist between first nation communities and non-first nation communities. A celebrated electoral event would bring more transparency to the process and would allow all Canadians, all Manitobans, in this case, to see in full public view the people who were being elected. He felt that this degree of transparency would lead to a real culture of governance improvement. If elections were not held in the dark days of February but rather were held on a common day, it would bring a greater degree of transparency to the entire process. It would be a simple change that would lead to better governance for all first nations.

I think the common day is something that is perhaps not given as much attention in this bill, but it is a significant innovation. Upon being embraced by first nations, I think it would lead to a greater degree of transparency. It would lead to the larger society embracing it as an actual legitimate governance structure, akin to municipal levels of government and provincial levels of government, because they would view it as something much like the election events people in this House take part in.

I am very hopeful that this bill will be a great first step, for those first nations that want to opt in, in delivering the type of transparent governance they believe their electors deserve.

● (1330)

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, the member was talking about the former grand chief of the Assembly of Manitoba Chiefs, who supported the bill, and I think he is absolutely correct. We, on this side of the House, support the move to a four-year term.

However, as is often the case, what the government has done is stick a poison pill into this bill, and paragraphs 3(1)(*b*) and 3(1)(*c*) are good examples of that. We now have the Assembly of Manitoba Chiefs' Grand Chief Derek Nepinak saying that they cannot support this bill, despite the fact that initially the assembly was in favour, because the bill, in its current form, does not reflect the recommendations that were made.

I wonder if the member would comment specifically on the insertion of paragraphs 3(1)(b) and 3(1)(c) and the fact that it would allow the minister to ignore the opt-in provisions and would force a band into something it may not want to participate in.

Mr. Rod Bruinooge: Mr. Speaker, I believe that what the member is suggesting is an actual legislated power that the Minister of Aboriginal Affairs and Northern Development has currently under the existing Indian Act. It has been used very rarely in Canadian history, just a few times as far as I know. It is my opinion that this would simply reflect an existing power that the minister currently has. Therefore, I personally do not see it as the issue that others see. However, in this place we are allowed to disagree and it is valid for her to disagree with that point.

Personally, I think that if there were a first nations community, after many years of going through a rancorous process of elections that were quagmired and everyone was literally at their wits' end, where nothing was progressing, and this clause in a very rare case had to be used, I am quite certain there would be the opportunity for that first nation to likely challenge that if its members chose to. I am sure that could be the case. Our courts offer lots of powers to anyone who has a grievance.

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 want to thank this member for the important work that he did as my predecessor, in the position of parliamentary secretary of Indian Affairs, as it was then and, with respect to this important piece of legislation, really brokering the relationships and putting all of us here in this place in a unique position and providing a unique opportunity with respect to this legislation.

In addition to the extensive consultation that was done, this really reflects the simple fact that it was actually authored by first nations leaders themselves, in particular Ron Evans, a gentleman for whom I have a great deal of respect in his former capacity as chief of Norway House, as I was then living in his community as a nurse. He did great work, and I appreciate that.

My question is with respect to this legislation and that it is really a fourth option. The member has described some of the problems with the Indian Act: the opportunities that communities have to tailor to their own needs and, of course, under self-governing agreements. However, this would give communities an important fourth option. Just beyond the governance piece, can the member talk about the new stability under this regime that communities could opt in to and could provide real economic stability in addition to the complementary governance piece?

● (1335)

Mr. Rod Bruinooge: Mr. Speaker, there is no doubt that when they have a stable governance system, the benefits from the economy naturally follow suit. When there is stability, then the economy can grow. We have seen that in Canada with the most stable governance system in the world.

An hon. member: We have good government and a good economy.

Mr. Rod Bruinooge: We have a great economy.

Mr. Speaker, I think first nations also would love to focus on their economies versus these biannual electoral events, which have been very challenging.

Therefore, that would be a natural progression; hopefully, the communities would embrace this. However, much like the parliamentary secretary said, it would be purely on an opt-in basis.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, I am rising to speak to Bill S-6, an act respecting the election and term of office of chiefs and councillors of certain first nations and the composition of council of those first nations.

Before I start, I would like to read from the United Nations Declaration on the Rights of Indigenous Peoples. In article 18, is says:

> Indigenous peoples have the right to participate in decision-making in matters that 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.

That particular section of the UN Declaration on the Rights of Indigenous Peoples is particularly important because, of course, what we are talking about today is how first nations elect their chiefs and council members.

I will turn for a moment to the legislative summary. It indicates that, "First Nations may choose to opt in to the new elections regime proposed under the legislation, or they may be brought under the new elections regime by ministerial order in some circumstances."

I would agree with previous speakers that moving to a four-year term on an opt-in basis absolutely makes sense, but there are other elements of this legislation that first nations have spoken out against. If the government would entertain some amendments to this piece of legislation, I am sure we could all agree on how to move forward.

I would like to go back to the legislative summary:

> According to Aboriginal Affairs and Northern Development Canada, 240 First Nations hold elections pursuant to the Indian Act, 341 First Nations conduct "custom" or community-based elections rather than elections under the Indian Act, and 36 First Nations select their leaders according to their self-government agreements.

This is an important point because of the fact that there are already a variety of ways by which first nations select their leadership.

The legislative summary notes that the Senate released a report entitled, "First Nations Elections: The Choice is Inherently Theirs" and says:

> It indicated that the existing two-year term of office imposed on First Nations by the Indian Act is too short to provide political and economic stability, often creating deep divisions in communities. The report further noted that Indian Act election systems are often fraught with administrative difficulties and inconsistencies, resulting in frequent election appeals.

The legislative summary goes on to talk about the number of times attempts have been made to make reforms to the Indian Act around the elections process. It notes that:

> Attempts to reform the Indian Act election system arise from growing First Nations dissatisfaction with the operation of the regime, including its administrative weaknesses, such as loose nomination procedures and a mail-in ballot system that is open to abuse.
>
> Other substantive concerns with Indian Act elections relate to the degree of ministerial intervention, the lack of an adequate and autonomous appeals process and the absence of flexibility to set the terms of office and to determine the size of councils.

It is those points around the ministerial intervention and the autonomous appeals process that are sticking points in the current piece of legislation.

The summary goes on to talk about the fact that a number of recommendations arose as a result of the report of the Royal Commission on Aboriginal Peoples, and some of these recommendations that are not included in this piece of legislation are as follows, and this is from 1996:

> With respect to elections, a key proposal was to develop community leadership selection systems and remove the application of the Indian Act as a preliminary measure to re-establishing traditional forms of leadership....To accomplish this, the following steps were suggested: community-level development of custom codes; community development of local dispute resolution procedures; the establishment of regional First Nations capacity and advisory bodies;

And so on.

Again, some of the elements that were recommended back in 1996 are not present or appropriately resourced under the current legislation. I mentioned earlier that one of the sticking points was under clause 3(1), which states that the minister may, by order, add a first nation to this schedule of first nations participating in the new election system.

Once again, I know that the former parliamentary secretary pointed out the fact that this power has been in place, but here we are reinforcing and reiterating that power once again. This is one point where first nations are saying to butt out. They should be able to have an appeals process internally to look at this. I will speak to this point in a little more detail later.

The other problem with this legislation is the regulations in clause 41. The clause provides for the Governor in Council to have broad and general powers to make regulations with respect to elections. Again, I will touch on this point a little later.

● (1340)

With regard to the support, initially we had the Assembly of Manitoba Chiefs and the Atlantic Policy Congress that were engaged in consultation around the development of the legislation. However, this is a pattern that we continue to see with the government. There are reports and recommendations from first nations, and then the government disregards some or all of those recommendations and reports.

This is the case in point. According to the legislative summary:

> Opinions on the ensuing legislation are divided among First Nations organizations involved in the engagement process: while some support the new legislation, others do not view it as reflective of the report and recommendations.
>
> Some First Nations leaders expressed strong support for Bill S-6. At the December 2011 announcement of the new legislation...the Atlantic Policy Congress, echoed the government's view that the Act will support sound governance and increase economic development in First Nations communities.
>
> The current Grand Chief of the Assembly of Manitoba Chiefs, Derek Nepinak, however, has expressed strong opposition to Bill S-6. In a written statement, quoted in several media outlets on 7 December 2011, 37 Grand Chief Nepinak stated that the proposed legislation does not fulfill the recommendations put forth by the Assembly of Manitoba Chiefs, and represents an apparent "attempt by the Minister to expand governmental jurisdiction and control of the First Nations electoral processes that are created pursuant to the Indian Act or custom code."
>
> In particular, Grand Chief Nepinak has criticized the following features of Bill S-6: in certain circumstances, the Minister's ability to bring First Nations under the legislation without their consent; the lack of a First Nations appeals process; and the conduct of draws to resolve tie votes in elections for band council chiefs and councillors.

There is not the kind of support that the government is touting. I want to turn to a legal opinion from December 29, 2011. This has been provided primarily to first nations using a customary election code or regulations, and this is the legal opinion, and this is why it is important for first nations that are currently under custom code:

> Based on a preliminary review of the proposed legislation, Bill S-6 may offer an improvement over the existing *Indian Act* election provisions. However, for those First Nations that already operate under their own customary election codes or regulations, opting into the *First Nations Elections Act* would provide only marginal benefits and may in some instances be viewed as a step back in a First Nations pursuit of self-government.
>
> While there may be specific provisions within Bill S-6 that a particular First Nation may find attractive (such as a four year election term), First Nations should consider amending their existing custom codes or regulations to incorporate any provisions of interest as opposed to opting into the *First Nations Elections Act*.

I mentioned earlier clause 41 and the concerns. What we saw with Bill S-8, the safe drinking water for first nations act, was that bill was enabling legislation that laid out a process and some content for regulations.

Of course, what happened is that there is no meaningful provision for first nations to be involved in the development of regulations and the subsequent implementation of regulations. That is the same case in this legislation.

The legal brief says:

> The Regulations—the Devil is in the Details
>
> At this time, all that the Government has shared with First Nations are the provisions within Bill S-6. Section 41 of the Bill provides for the regulatory making powers of the Governor in Council. The Regulations to be passed include those dealing with the appointment, powers and duties of Electoral Officers, the certification (decertification) of Electoral Officers, who are electors, who and how candidates may be nominated, how voting is to be conducted, and the removal of a Chief or Councillor by way of a petition and anything else in the Act that requires regulation.

Those are pretty broad scopes of power under the regulations, and nowhere in Bill S-6 does it talk about how first nations will be included in that process. People are right to raise flags around that.

The brief goes on to say:

> Ultimately, how attractive this legislation will be to any First Nation will depend greatly on what is, or is not included or provided for within the Regulations. However, it should be kept in mind that Regulations are designed and intended to be amended easily and quickly. Therefore, while a First Nation may opt into the First Nations Elections Act on the basis of what it considers to be attractive Regulations, there is no guarantee that the Governor in Council will not change these Regulations to something that a First Nation may find less appealing.

That is why when we had Bill S-8 before committee, New Democrats proposed that a clause be inserted that required regulations to come back before the House and referred to the appropriate committee, so there would be some parliamentary oversight. Otherwise, there would be no parliamentary oversight.

● (1345)

There is a precedent for it because in 2003 or 2004, the Quarantine Act had a clause that had the regulations come back before the appropriate committee.

Under the clause opting into the first nations election act, pursuant to section 3(1)(*b*), the minister may order a first nation to use the first nations elections act in circumstances where the minister is satisfied that a protracted leadership dispute has significantly compromised the governance of that first nation. What qualifies as leadership dispute in the first instance, let alone a protracted leadership dispute? There is no definition, no qualifiers around that.

Under what circumstances is there significantly compromised governance? This section is extremely subjective and at the sole discretion of the minister there is a potential that any first nation could be forced to use the first nations election act if chief and council cannot agree on issues such as budgets, funding, housing and so on, on what the minister may consider to be a timely basis.

On the opting out piece, opting out of the first nations election act, while it is simple for a first nation to be added to the first nations election act, being removed from its operation is a far more complex undertaking. To be removed from the act, a first nation must satisfy a number of specific requirements and the minister "may", not "shall", remove the first nation from the operations of the act.

The key requirement that must be satisfied includes establishing a new election code that is approved by a majority of the majority of the voters. The code must include amendment procedures and there can be no outstanding charges under the act against any member of the first nation. Even if these requirements are met, it still remains at the minister's discretion as to whether the transfer out of the act will be approved or not. Therefore, we again caution first nations already using a custom election code or regulation, their customary powers should be guarded and protected jealously since it may be difficult to regain these customary powers once a first nation opts into the first nations elections act.

I mentioned earlier the appeals procedure. When I quoted Article 18 of the UN Declaration on the Rights of Indigenous Peoples, it indicated that representatives needed to choose their own procedures as well as maintain their own indigenous decision-making institutions. The appeal procedure is problematic in this act.

Under sections 30 to 35 of the proposed legislation, there is only one way to appeal an election: apply to either the Federal Court of the court of Queen's bench for a review of the election. The only ground available to overturn an election is to prove that a provision of the legislation or regulations was contravened and the contravention was likely to affect the outcome of the election. Internal appeal mechanisms are not provided for.

Using the courts is a costly and time-consuming process. The legislation does not provide for funding of these appeals to the court. Therefore, only applicants who can afford to hire a lawyer are likely to pursue an appeal. Further, appeals to the courts can be time-consuming and may take months for an appeal to be dealt with. On a side note, we only have to look to what is going on currently with various alleged misdemeanours, or perhaps outright fraud, under the current Canada Elections Act and the amount of time it takes for that process to unfold. We are going to see the same kind of process when it comes to forcing first nations to resort to the courts in order to sort some of this out.

On the other hand, if the regulations are to provide that the first nations will fund appeals or if courts make a practice that all or most appeals will be funded or paid for by the first nations, significant expenses may be incurred by first nations following every election. Many, if not most, custom election codes or regulations provide for some form of internal appeal process that will allow first nations members to file and have heard an appeal or grievance in regard to an election, usually without the need to hire a legal counsel. These processes will allow for most members with a grievance to participate in the appeal process if so inclined.

Further, if an appeal is unsuccessful, the aggrieved member may still choose to pursue the matter to court. That is, most of the existing custom election codes and regulations provide or allow for both an internal appeal process and a court-driven appeal. The proposed legislation only provides for the courts to be the final arbiter of election disputes. That is an enormous problem. It would seem perfectly reasonable, and again I go back to the 1996 Royal Commission on Aboriginal Peoples report, that indicated dispute resolution mechanisms needed to be developed by the first nations themselves. It would seem a perfectly reasonable approach to take.

I referenced clause No. 41 earlier in my speech about the problem with having regulations developed essentially without input and without any oversight.

● (1350)

In addition, we proposed another amendment with regard to Bill S-8, which would be an appropriate amendment for this legislation with regard to looking at whether there would be unintended consequences with legislation.

With respect to Bill S-8, we proposed that within five years after the act came into force, a comprehensive review of the provisions and operations of the act and of the regulations made under this act would have to be undertaken by such committee of the Senate and of the House of Commons as may be designated and so on.

The purpose of having some sort of five year review would be to look at what was happening with the regulations and also to look at whether the act was achieving its intended objective.

We heard from other members who spoke in the House about the fact that the legislation would provide stability in the communities and add to economic development opportunities.

I was first elected in 2004 and was in constant election mode. I understand the challenges for chiefs and councils when they are in two year election terms. It is not a reasonable period of time to develop and implement an agenda and to look at some of the results of it. If the government had just stuck to the four year term in the legislation, we would have had no problems supporting the bill, but it had to stick in other mechanisms.

I want to turn briefly to testimony that was heard in the Senate with regard to objections to the bill, and I want to refer to Derek Nepinak, the grand chief of the Assembly of Manitoba Chiefs. I will read some of his testimony before the Senate. I have no idea how much time we will have when the bill gets to committee, because time allocation has become a way of doing business here. I do not even know if we will have time to have witnesses before committee. Chief Nepinak said:

> Regarding clause 3(1)(*a*), we know already that the development of custom codes in our communities and the passages of them requires a double majority vote, meaning that we need to hold a referendum which includes a majority of the electors, as well as a majority passing the customary code. That double majority is reflective of the ability and willingness of our community members to participate in governance processes. I think that this bill undermines that somewhat in allowing a chief and council to move a resolution to opt into this new legislation. I think that is problematic because it excludes members of the community.
>
> I have concern with respect to the phrase "protracted leadership dispute". I am not quite sure what that means. I find the term overly ambiguous. It opens up a broader discretion for the minister to impose Bill S-6 on a community that might not otherwise wish to be part of the new legislation.

He goes on to outline a number of other clauses. Then he goes on to say:

> Speaking broadly with respect to clauses 30 to 35 on contested elections, the chiefs in Manitoba supported the resolution to move forward in the discussion on the basis that we would discuss a process of tribunals or regional tribunals to engage the challenges resulting in our elections. I think it is fundamental to the self-determining efforts of communities to be able to engage their conflicts, be able to engage conflict, and to make difficult choices. I believe it is in the form of a tribunal...that...really come to the surface...the form of a decision-making body with authority—that our values and our systems of decision making...We can really show, and once again redevelop, those systems that were once there. I believe we need to be shown the respect and given the room to develop these tribunals so that we can adjudicate these matters within our systems. I believe that is a critical piece of the legislation that is missing.

I want to quote Ms. Cook-Searson, who also was before the Senate. She said:

> I just wanted to comment on the question...One of my points was that we should have an independent First Nations electoral commission or a First Nations tribunal to settle any election disputes because it is afforded already for the federal government, the provincial governments. You have mechanisms in place where it is part of the regular part of democracy. If it is good for the federal government and the provincial governments, why is it not good for First Nations? Why not an option for a truly independent electoral commission? I do agree there will be disputes and you do need a mechanism to deal with them. However, rather than go through the minister or the cabinet or through the courts, we could have this independent First Nation electoral commission or First Nations tribunal to settle any election disputes.

Ms. Cook-Searson raises a really valid point. Elections Canada is doing its job currently about some allegations with respect to members of the House. Why do first nations not have access to the same kind of process?

I will end on that note. I hope the government will entertain some amendments to the legislation.

● (1355)

Mrs. Susan Truppe (Parliamentary Secretary for Status of Women, CPC): Mr. Speaker, the member for Nanaimo—Cowichan is suggesting that the minister's power to order a first nation under Bill S-6 should be removed. We all agree that the Indian Act contains many paternalistic provisions, but by doing what the opposition suggests, first nations would be left with only the paternalistic Indian Act to address the damaging governance disputes.

When governance has broken down in a community to a damaging extent or when there are repeated challenges on who the legitimate leaders are in a community, what would the member suggest should be done?

Ms. Jean Crowder: Mr. Speaker, I just finished reading into the record what I suggested should be done. Ms. Cook-Searson recommended that a process be put in place that would be selected by first nations, a tribunal or first nations electoral commission. That would seem to be a reasonable process. If a first nations electoral commission existed, there would be a non-partisan, arm's-length process that could oversee disputes and elections. We have that for our federal members of Parliament. Why not have it for first nations chiefs, councils and community members?

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, given the fraud in the last election, the robo scandals, the ongoing missing $3 billion that the federal government cannot seem to find and all the repetitive Senate scandals, there is no doubt that the government has real governance problems. It can certainly not be an example to anyone given the fraud, corruption, misplaced money and funding and trying to turn elections.

I want to ask the member for Nanaimo—Cowichan this. Does the government have any credibility at all when it comes to due process?

Ms. Jean Crowder: Mr. Speaker, that is a very good question. We have rocked Canadian confidence in our electoral system, whether it is the court findings on robocalls, the in-and-out scandal, for those of us who have been around long enough, and the current allegations about campaign spending that undermine people's faith in democracy.

We also have a very interesting bill before the House of Commons with respect to certification for trade union members and that people who do not vote, would be counted as a vote no. Imagine if that had happened in our electoral system, where the current government only received 39.6% of the vote and all the people who did not vote, about 40% of the population, would have been considered a vote no against the Conservatives. We would have a whole different government.

When looking at democracy and a democratic process, I would encourage the government to take a hard look at some of the testimony around due process in first nations communities.

The Acting Speaker (Mr. Barry Devolin): The time for government orders has expired. The hon. member for Nanaimo—Cowichan will have seven minutes remaining for questions and comments when this matter returns to the House.

STATEMENTS BY MEMBERS

[*Translation*]

175TH ANNIVERSARY OF SAGUENAY—LAC-SAINT-JEAN

Mr. Claude Patry (Jonquière—Alma, BQ): Mr. Speaker, the first settlers arrived in Saguenay—Lac-Saint-Jean on June 11, 1838. Today, the region is celebrating its 175th anniversary. On this occasion, I want to tell the people living in that part of the country that it is a privilege to be one of their own. I have always felt a strong sense of belonging to my region.

I am very proud to tell everyone I meet that ours is the only region with a flag that truly represents us. The silvery cross in the centre of our region's flag symbolizes the strength and determination of our workers, who developed prosperous industries in such sectors as pulp and paper and aluminum smelting.

I am proud of where I come from because I am aware of our ancestors' efforts to settle the area and make our natural resources available to all Quebeckers. Happy 175th anniversary to everyone.

● (1400)

[*English*]

STEPHEN LEACOCK MEMORIAL MEDAL FOR HUMOUR

Mr. Bruce Stanton (Simcoe North, CPC): Mr. Speaker, last Saturday night, Orillia's literary community gathered at the Geneva Park Conference Centre to award the 2013 Stephen Leacock Memorial Medal for Humour. As members may know, Leacock, Canada's most famous author of humour, made his summer home on Lake Couchiching near Orillia, the fictional town he called Mariposa.

This year, the Leacock Associates have awarded the medal for humour to Cassie Stocks of Edmonton for her novel *Dance, Gladys, Dance*. She joins a distinguished group of Leacock medal winners, including W. O. Mitchell, Farley Mowat, Mordecai Richler and Stuart McLean, but even more remarkable is that this is Cassie's first novel.

I would like to thank the Leacock Associates and TD Financial Group for recognizing these outstanding contributions to Canadian literature each year. I invite all hon. members to join me in congratulating the 2013 winner of the Leacock Memorial Medal for Humour, Cassie Stocks.

* * *

ABORIGINAL AFFAIRS

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, I was honoured to be one of the MPs in attendance five years ago, when the residential school apology was made in this chamber. Every seat in the gallery was filled, and thousands more people watched this historic event on the front lawn of Parliament. Even more watched it in their homes and communities. It was a good day.

As the late Elijah Harper once said, the apology lifted people's hearts and opened the doors to reconciliation. From the thousands of Canadians who have already attended events arranged by the Truth and Reconciliation Commission of Canada, to the many young voices, some on the Hill today, who are part of the Our Dreams Matter Too campaign to bring equal funding to all schools in Canada, to the many workers participating in national Aboriginal History Month events, people want the apology to mean something tangible. They want it to bring a change in perspective and a new relationship between First Nations, Inuit and Metis and other peoples of Canada.

As Jack Layton said that day:

> ...reconciliation must be built through positive steps that show respect and restore trust. This apology must not be an end; it must be a beginning.

New Democrats want to build on those words.

* * *

ROBERT COTTINGHAM

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, it is with a heavy heart that I pay tribute to Robert Cottingham, whose funeral service is this afternoon. Bob Cottingham epitomizes what makes a great Canadian. He bravely fought for his country and dedicated himself to building a better nation through community service.

Bob served as a bomber pilot during the Second World War, flying the four-engine Stirling bomber. Captain Cottingham flew an astounding 41 missions during the Battle of Britain, when the average tour of duty was only 24. Bob continued to fly missions until the war was over.

After the war, Bob returned to Manitoba to farm and raise his family, and he continued to serve. He was an active lifelong member of the Teulon and District Agricultural Society, the Chamber of Commerce and the Royal Canadian Legion. Bob always had a smile and a kind word. He never complained, even though his feet had been frozen numerous times as a bomber pilot and pained him greatly in his latter years.

As a sign of my admiration and our country's appreciation, I presented Bob with the Queen Elizabeth II Diamond Jubilee Medal last year. Captain Robert Cottingham was a Canadian hero who will be dearly missed and fondly remembered.

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ABORIGINAL AFFAIRS

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, this morning, the member for Papineau and I were proud to attend the First Nations Child and Family Caring Society of Canada event, Our Dreams Matter Too, at Victoria Island.

I would like to read to the House the poignant words of Raiyah Patel, a young student from Pierre Elliott Trudeau High School in Gatineau, who welcomed us there. She said:

> Welcome elders, community leaders, teachers and fellow students to Our Dreams Matter Too.
>
> We meet here today on traditional Algonquin territory to remember, to dream, and to walk.
>
> June 11th has special meaning because it marks the anniversary of the Canadian government's apology for residential schools, and their terrible effects on First Nations children.
>
> If we forget our history, we will never be able to correct our mistakes.
>
> So on this day we remember the apology, but this apology has meaning only if First Nations children have opportunities, can grow up happily in their homes, have a good education, be healthy and have pride in their culture.
>
> Shannen Koostachin had dreams and hopes, and only wanted what many Canadian children take for granted: a good education and a nice school.
>
> Shannen's dream still inspires us, and today we walk in her memory and with her hopes in our heart—

The Speaker: Order, please.

The hon. member for Barrie.

● (1405)

TELUS WALK TO CURE DIABETES

Mr. Patrick Brown (Barrie, CPC): Mr. Speaker, this weekend I participated in the Telus Walk to Cure Diabetes, hosted each year by the Juvenile Diabetes Research Foundation. Along with 45,000 other people across Canada, I walked to help raise funds for research to cure, better treat and prevent type 1 diabetes. To date, this annual walk has raised $90,000 in Simcoe County alone. This year's walk had 800 participants just in Barrie.

As chair of the all-party juvenile diabetes caucus, I have had the privilege of meeting hundreds of Canadians affected by type 1 diabetes. Currently, there are more than 3 million Canadians living with some form of diabetes and more than 300,000 Canadians living with type 1 diabetes.

Although a cure has not yet been found, Canada has long been a world leader in diabetes breakthroughs in the realm of science, including the discovery of insulin and the Edmonton protocol.

I would like to recognize Simcoe County's JDRF youth ambassadors: Noah Stock, Sydney Grace, Carson, Rebecca, Michael and Olivia for all their hard work in making this past weekend's fundraising walk a big success.

* * *

[*Translation*]

RELAY FOR LIFE

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, last Saturday, I had the opportunity to walk alongside thousands of my constituents as part of the Relay For Life. There were over 4,000 participants, divided into 88 teams, in Rimouski, and there were over 350 participants, divided into 36 teams, in the Cabano sector of Témiscouata-sur-le-Lac. They walked all night. I participated with them in this walk, which is a show of solidarity, to raise funds for the Canadian Cancer Society.

Thanks to the volunteers and people in my riding, nearly $289,000 will stay in the Lower St. Lawrence region and will help people affected by cancer. The money will go to research, prevention, the purchase of wigs and prosthetics, and other forms of direct support for patients going through difficult times.

I am proud that the dreary weather and even the rain that we had in the middle of the night did not dampen the enthusiasm or the spirits of the people of Rimouski-Neigette—Témiscouata—Les Basques. The Relay For Life in Rimouski even beat its own record.

Cancer is a terrible disease that can attack us or someone we love. I want to thank and congratulate those who participated in the Relay For Life events in Rimouski and Témiscouata. In the face of this terrible disease, you chose to take action and celebrate life.

* * *

[*English*]

HIGH SCHOOL GRADUATION

Mr. Blaine Calkins (Wetaskiwin, CPC): Mr. Speaker, I am proud to rise in the House today to honour all of the students who are graduating this year.

It is no small accomplishment to complete high school, and one of my constituents, Claire Ritchey, is a shining example of how hard work and perseverance pays off. Claire had just completed the 11th grade when she left Kelowna, British Columbia, to attend school in Lacombe, Alberta. She expected that she would automatically go to grade 12, but not all of her grades were transferrable and she had to take grade 11 classes again. When Claire left school she was just a few courses short of her diploma.

A year and a half ago, she returned to school at the Parkview Adventist Academy in Lacombe, and this year Claire was one of 37 graduates who were rewarded for their hard work.

What makes this story so amazing to me is that Claire Ritchey has 3 children, 6 grandchildren and 11 great-grandchildren. Ms. Claire Ritchey is 85 years old, and I am proud to have her as one of my constituents.

Maria Robinson once said: “Nobody can go back and start a new beginning but anyone can start today and make a new ending”.

We congratulate Claire. Her friends, family and community are very proud of her.

* * *

WORKING PARENTS

Ms. Eve Adams (Mississauga—Brampton South, CPC): Mr. Speaker, I rise today on behalf of all working parents who face the challenge of maintaining a work-life balance. We live in a society where the fact is that in many families both parents must work. All parents, whether working or staying at home, make the right and sometimes difficult decisions that are best for their families.

I am a proud, hard-working mother of a young son and I am the daughter of a working mom.

Whether one is a nurse, a waiter or even an astronaut like Chris Hadfield, with three kids, our work often takes us away for days, or months in some cases, from our family and our kids. However, our kids are always at the heart of everything we do.

The most recent figures from Statistics Canada indicate that 72.9% of women with children under the age of 16 living at home are currently employed. Today, I join all Canadians to recognize and take a moment to appreciate the difficult choices that accompany this reality.

Parenting is a full-time, tough yet rewarding job and being a mom or a dad is truly the best job.

Statements by Members

THE ENVIRONMENT

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Mr. Speaker, the Conservative government has developed a bad habit of gutting environmental protection in my riding of Esquimalt—Juan de Fuca and across Canada. Last year, in Bill C-38, it eliminated protection for all streams, rivers and lakes on Vancouver Island under the Navigable Waters Protection Act.

In response to the concerns of my constituents, I have introduced Bill C-509 to restore federal environmental protection to the Goldstream River. It is the Goldstream River where local salmon begin their life and return to spawn. Thousands of visitors come to Goldstream Provincial Park each year to watch the spawning and to learn about salmon in the many outdoor education programs that take place in the park.

A tragic accident on April 18, 2011, demonstrated how fragile the river is and the extent of the impact that accidents such as oil spills impose on iconic rivers like the Goldstream.

I am asking the Conservative government to reconsider its short-sighted plan to cut federal protection to our rivers and lakes on Vancouver Island and to support my bill to protect the Goldstream River and the salmon and other wildlife that rely on the river.

* * *

● (1410)

[*Translation*]

TAX INVASION

Ms. Joyce Bateman (Winnipeg South Centre, CPC): Mr. Speaker, Canadians know that unpaid taxes hurt all honest workers and taxpayers. The Auditor General was clear: we are collectively missing out on billions of dollars in unpaid taxes.

To combat this problem, our government has taken strong action to improve the integrity of the tax system. Last year, $40 billion in debt was recovered.

The hon. member for Jeanne-Le Ber can attest to the effectiveness of these measures. That member is teaming up with the Leader of the Opposition to impose a $21-billion carbon tax. How hypocritical.

Our government is disappointed in the NDP's attitude. We have a message for them. Before imposing new taxes, they should start by paying their own.

* * *

[*English*]

69TH ANNIVERSARY OF D-DAY

Mr. Mike Sullivan (York South—Weston, NDP): Mr. Speaker, last Sunday I attended the service in remembrance of the 69th anniversary of D-Day. In attendance were members of the Mount Dennis and Silverthorn branches of the Legion, veterans, politicians of all stripes and air cadets from the 700 David Hornell VC Squadron.

In a very moving and poignant service, the Reverend Canon Allan Budzin remarked that we, as Canadians, ask a lot of our soldiers. He said we give our young men and women rifles and ask them to go to foreign lands and fight our enemies. Then when they return, we give them pencils and ask them to go and fight our bureaucracy.

It is a shame that we, as parliamentarians, cannot put aside our partisan bickering for a few moments and begin fixing the bureaucratic nightmare that awaits our veterans and their families as they grow old.

For some, it will be a minefield of government lawyers to fight, as it was for disabled vet Dennis Manuge. For others, it will be discovering too late that they fought in the wrong war to be given all the rights and privileges they deserve as our protectors.

Let us fix it now, lest we forget.

* * *

LEADER OF THE LIBERAL PARTY OF CANADA

Mr. Rob Anders (Calgary West, CPC): Mr. Speaker, after weeks of defending the status quo in the Senate, the Liberal leader is now coming to the defence of Liberal Senator Mac Harb, who even the *Toronto Star* has called disgraced.

Speaking to Global News recently, the Liberal leader said he would absolutely welcome the senator back to the Liberal caucus.

Senator Mac Harb is refusing to repay more than $50,000 in inappropriately claimed housing allowances and, instead, is trying to stick taxpayers with the bill.

Defending Senator Mac Harb is not the only lapse in judgment on the Liberal leader's part in recent weeks. The Liberal leader continues to allow Liberal Senator Pana Merchant to sit in the Liberal caucus despite uncertainty over the status of a $1.7-million offshore bank account that media have reported she has not declared publicly, as required by Senate rules.

The Liberal leader's defence of Senator Mac Harb and Pana Merchant is just more proof—

The Speaker: The hon. member for Vancouver Quadra.

* * *

WORLD OCEANS DAY

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, I am fortunate to live just a short walk from the Pacific Ocean in my riding of Vancouver Quadra, and some days I can hear and even smell the ocean from home, so I am pleased to highlight June 8, World Oceans Day, as a chance to celebrate our oceans and to thank all who help us understand and protect them.

With every breath we take, every drop of water we drink, they are our human life support system. Oceans generate more than half of the oxygen we breathe, regulate climate, provide invaluable resources, support businesses, trade and commerce and, most important, offer an endless source of inspiration for the human spirit.

Eight out of ten human beings live within 100 kilometres of an ocean, and billions depend on oceans for food, yet too many commercial fisheries are overfished. Climate change is making our oceans warmer and more acidic, and a mere one-half of 1% of global marine habitats are protected.

World Oceans Day is an important reminder to each of us to protect the health of our oceans every day, literally as a way of life.

* * *

● (1415)

TAX EVASION

Mr. Mark Adler (York Centre, CPC): Mr. Speaker, this government is proud of its record when it comes to cracking down on tax cheats. However, let me take a moment to point out the NDP's blatant hypocrisy on tax evasion.

This government has introduced 75 measures to improve tax fairness, and the NDP has voted against each and every one of them.

This government recently proposed measures that would give the Canada Revenue Agency unprecedented powers to crack down on tax evaders. The NDP voted against these measures.

When the NDP became the official opposition, NDP members picked an MP with tens of thousands of dollars in unpaid taxes to be their revenue critic.

If that is not enough, they allow the member for Jeanne-Le Ber to continue to sit in their caucus despite hundreds of thousands of dollars in tax debt.

While the NDP supports tax delinquents in its caucus, our government has taken concrete steps to combat tax evasion, both at home and abroad.

* * *

CONSERVATIVE PARTY OF CANADA FUND

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, whether it is the SS Duffy sailing the Caribbean claiming per diem amounts or the Liberal leader defending Mac Harb and Patrick Brazeau for their "honest mistakes", whether it is a secret payment to Mike Duffy or the duelling parliamentary secretaries making up contradictory stories about a secret Conservative Party fund controlled out of the PMO, the member from Nepean was flatly denying the very existence of the fund.

However, on CBC, the member from Ajax was singing a different tune. When asked whether there was a special fund controlled by the Prime Minister's chief of staff, the parliamentary secretary replied, "No one is denying that"—no one, that is, except his colleague, the member from Nepean.

Therefore, as we start another question period, I urge my Conservative friends to turn away from the PMO gutter politics, show some contrition and finally answer some questions.

* * *

LEADER OF THE LIBERAL PARTY OF CANADA

Mr. Ted Opitz (Etobicoke Centre, CPC): Mr. Speaker, the leader of the Liberal Party is in way over his head. While we know

that Liberal senator Mac Harb owes taxpayers $50,000 for inappropriately claimed housing expenses, media in fact are now reporting that he will owe taxpayers up to $200,000 in inappropriate expenses.

The Liberal senator is refusing to pay back to taxpayers the money they are owed. How does the Liberal leader respond? He responds by telling Global News that he will absolutely welcome the senator back into the Liberal caucus.

What is worse is that the Liberal leader has come out and championed the status quo in the Senate, because according to him, it benefits his home province of Quebec.

To top it all off, the Liberal leader has known for months about Liberal Senator Pana Merchant and her $1.7-million offshore bank account, which the media are also reporting. The Liberal leader has said nothing.

Does the Liberal leader not understand what meaningful reform in the Senate looks like, or is he just simply in over his head?

ORAL QUESTIONS

[*Translation*]

ETHICS

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, before resigning, did Nigel Wright speak to any Conservative Party officials about the Senate expense scandal? In particular, did he speak to Jenni Byrne, the party's director of political operations?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, we do not have any information to suggest that he did. Mr. Wright himself said that he acted alone in the case of Mr. Duffy, and that is why he resigned. He acted alone.

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, I would like to make a correction. Nigel Wright never said that he acted alone. He said that he took responsibility for his actions. That is an important distinction.

When he was the Prime Minister's chief of staff, Nigel Wright controlled partisan political polls carried out for and on behalf of the Conservative Party and paid for by the party.

PMO employees are paid by taxpayers. PMO activities are paid for by taxpayers.

Why were this office and the people who work there used to carry out partisan activities?

● (1420)

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 Conservative Party has a single fund for partisan expenses, including the party leader's partisan expenses.

[*English*]

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, we know that Nigel Wright controlled funds in the Prime Minister's Office. We know he controlled funds at the Conservative Party.

Has the Prime Minister ordered that these funds be audited to make sure that Nigel Wright did not make any other illegal or unethical payments to either himself or Conservative senators?

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 Conservative Fund of Canada is audited every year.

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[*Translation*]

ABORIGINAL AFFAIRS

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, five years ago today, the government officially apologized to residential school survivors.

However, five years later, none of the promises of assistance they made at the time of the apology have been kept.

Aboriginals have to go to court to ensure that treaties regarding energy development projects are honoured.

The Truth and Reconciliation Commission must also take the government to court to get access to documents. Why?

[*English*]

Hon. Bernard Valcourt (Minister of Aboriginal Affairs and Northern Development, CPC): Mr. Speaker, the legacy of the Indian residential schools is still felt today by aboriginal people all across Canada. That is why we are placing such importance on reconciliation and the restoration of Canada's relationship with aboriginal people.

We must forge a new relationship based on an appreciation of our shared history, a respect for each other's cultures and traditions and an honest desire to move forward.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, Indian residential schools were a tragic chapter in our history, and five years after this historic apology, survivors and their families deserve more than just words.

First nations children are gathered today on Parliament Hill and are asking us for the same opportunities that others have: to grow up in safe homes and communities, to get a good education, to be healthy and to be proud of their culture and languages.

Their dreams matter. They deserve better than the status quo. Why is the minister not listening?

Hon. Bernard Valcourt (Minister of Aboriginal Affairs and Northern Development, CPC): Mr. Speaker, I could ask the hon. member why her party is voting against each and every step we take to try and improve the situation.

The fact of the matter is that today marks the fifth anniversary of the Prime Minister's historic apology to Indian residential school survivors, their families and communities.

The road to reconciliation is not an easy one, but we shall overcome the obstacles. We are determined to do so.

* * *

ETHICS

Mr. Justin Trudeau (Papineau, Lib.): Mr. Speaker, it has been nearly a month, and the government still has no clear or believable answer on why the Prime Minister's chief of staff cut a $90,000 cheque to a sitting legislator.

The government should consider the statement of the member for Edmonton—St. Albert, who recommended a little contrition and humility instead of simple bluster and blunder on this subject.

Will the government finally tell us the real reason that Nigel Wright gave for writing that cheque?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, indeed the Prime Minister has answered these questions and has been forthright.

We do wish that all senators would pay for their expenses and not do inappropriate billing, as has clearly been the case. Not only has it been the case, as has been exposed widely, but it is also the case for Liberal Senator Mac Harb.

While the Liberal leader is here in the House of Commons, it would be great if he could explain to Canadian taxpayers why he thinks it would be a great idea for the Liberal senator from Ottawa Centre, who claimed $50,000 in illegal money to come back to him for the costs of living in Ottawa Centre to be a senator.

He thinks it is perfectly fine for him to make those expenses and ask taxpayers to pay that money, and he thinks it is perfectly okay for him to continue in the Senate.

If he believes in accountability, perhaps he could—

The Speaker: The hon. member for Papineau.

Mr. Justin Trudeau (Papineau, Lib.): Mr. Speaker, I will be very clear: if he is innocent, he is in; if he is guilty, he is out. However, nobody on this side is going to cut him a $90,000 cheque to avoid the problem.

My question is for the Minister of Canadian Heritage and Official Languages, who publicly defended Nigel Wright after his resignation. Does he accept as credible Mr. Wright's explanation that he wrote a $90,000 cheque in order to save taxpayers money?

● (1425)

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, I see the Liberal leader has changed his position on Senator Mac Harb, and he is doing it right here in the House of Commons.

I wonder what his position is now of Senator Pana Merchant. Senator Merchant has $1.7 million that she is hiding from having to pay taxes.

If Mac Harb is in or out, and he has changed his position on that, would the Liberal leader now very clearly say that hiding her obligation from taxpayers is acceptable behaviour from a millionaire Liberal senator? Is that behaviour acceptable to the Liberal leader?

[*Translation*]

Mr. Justin Trudeau (Papineau, Lib.): Mr. Speaker, confusion abounds, and no one has any idea what is going on with the cheque, the secret fund and the government's conflicting versions.

Former Conservative staffer Émilie Potvin was right on the money when she alluded to the government's paranoid mentality. Canadians deserve answers.

Will the government finally show Canadians a copy of that infamous $90,000 cheque?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, my colleague knows very well that a process with the Auditor General is already under way. Furthermore, the Ethics Commissioner will examine all of these issues and documents.

[*English*]

If the Liberal leader does want to again show transparency and the importance of transparency, perhaps the Liberal leader could tell Canadians if he indeed claimed MP expenses and MP travel when he took money from charities when travelling to their events?

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, the Liberal leader says he looks forward to welcoming chronic expense violator Mac Harb back into the fold once he pays the money.

Now if a Tim Hortons cashier steals money, they do not get invited back. They get fired and charged. Where is the accountability for Liberal and Conservative insiders who break the rules?

For example, when will they stop hiding the source of the Mike Duffy payout and show us the cheque? They have to have a higher standard than the Liberals, surely. Show us the cheque.

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, as I have just finished saying to the Liberal leader, the Ethics Commissioner, the RCMP and the Auditor General are looking into this matter.

Of course all documents that should be examined will be brought forward, but the member opposite should know that we do not have access to a personal cheque by Nigel Wright.

This process will go forward, and all the information will come out.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, we are talking about the ethical judgment of the Prime Minister.

This Prime Minister personally appointed Pamela Wallin, Mike Duffy and Patrick Brazeau, the three most ridiculous Senate appointments since Caligula appointed his horse.

Then his top adviser cut a secret $90,000 cheque to keep Mike Duffy quiet. We are talking about what is going on in the Prime Minister's Office.

We will keep this one simple. Did Nigel Wright, in any shape or form, direct any Conservative Party spending while working in the Prime Minister's Office? It is a simple question.

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Indeed, Mr. Speaker, that question has, in fact, been answered, but a question that has not been answered, while the member for Timmins—James Bay raises—

Some hon. members: Oh, oh!

Hon. James Moore: It was the purpose of his question. He raised the issue of appointments, who makes appointments, and what it says about their judgment. What does it say about the judgment of the NDP leader, who appointed as his revenue critic somebody who owes tens of thousands of dollars in taxes?

[*Translation*]

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, it will take more than Nigel Wright's chequebook for the government to buy back its credibility.

The Parliamentary Secretary to the Minister of National Defence said that it is not in the public's interest to show the $90,000 cheque that Nigel Wright wrote for Mike Duffy.

Why exactly are the Conservatives refusing to show a copy of the cheque, which they surely have in their possession?

● (1430)

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, as I just said, the Auditor General will look at the file as well as all of the documents.

In addition, as I just said to the hon. member for Timmins—James Bay, we do not have access to Mr. Wright's personal cheque.

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, not only will the Auditor General take a look at and have something to say about what is happening, but the RCMP will also be involved. That is because of the work of the NDP and my colleague from Timmins—James Bay.

I have two questions. First, do the Conservatives believe that the Prime Minister's chief of staff is also the Conservative Party leader's chief of staff? Second, did Nigel Wright speak to Conservative party director of operations, Jenni Byrne, about the Senate expense scandal? Did they talk about it, yes or no?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, as we already know, Mr. Wright resigned, clearly stating that he acted in a way that was not in keeping with the Prime Minister's guidelines and that senators should be held personally accountable for what they choose to do with taxpayers' money. That is why he resigned. He alone made that decision.

Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP): Mr. Speaker, do the Conservatives believe that the chief of staff of the Prime Minister's Office, whose salary is paid by taxpayers, also works for the Conservative Party? It appears that the line separating partisan activities from government activities has disappeared.

We would like a clear answer. Did anyone at the Prime Minister's Office discuss the possibility of using funds transferred by the Conservative Party to the Prime Minister's Office to reimburse Nigel Wright and, consequently, pay for Mike Duffy's fraudulent claims?

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, we have already answered this question. A single fund is used to pay for all Conservative Party spending and that fund is controlled by the Conservative Party.

Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP): Mr. Speaker, how can the parliamentary secretary answer the question, when he was the one who was initially saying there was no secret fund, that he did not know what we were talking about? One of his colleagues said there definitely is one, and no one is contradicting him. It is no longer a secret. Thank you, but I am not sure that the parliamentary secretary can really answer these questions without talking through his hat.

However, perhaps he can answer the following question. Did Nigel Wright still have access to the account that the Conservative Party made available to the Prime Minister's Office when he was negotiating to buy Mike Duffy's silence?

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 hon. member is wrong. The Conservative Party fund is controlled by the Conservative Party.

* * *

ELECTIONS CANADA

Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP): Mr. Speaker, they are taking Canadians for fools.

For some time now, the government has been promising to amend the Canada Elections Act, but so far nothing has been done. On Tuesday, April 16, the minister went so far as to state that: "...our government is pleased to announce that it will introduce comprehensive legislation on Thursday..."

When will they finally introduce amendments to the Canada Elections Act to deal with fraudulent calls?

[*English*]

Hon. Tim Uppal (Minister of State (Democratic Reform), CPC): Mr. Speaker, election reform is something our government takes very seriously, and that is why we are ensuring that we take the time to get it right. We committed to introducing legislation, and we will introduce legislation.

Mr. Craig Scott (Toronto—Danforth, NDP): Mr. Speaker, it is as if the minister thinks his primary duty is making up word games to avoid responsibility. Seriously, these are important powers that would help the Chief Electoral Officer and Elections Canada investigate voter fraud, but after promising the bill with much fanfare, the minister had to backtrack and withdrew the bill under pressure from his own Conservative caucus.

Summer is fast approaching, so I have a very simple question for the minister. Will he or will he not table this bill before the House rises? Yes or no.

Hon. Tim Uppal (Minister of State (Democratic Reform), CPC): Mr. Speaker, we committed to introducing legislation, and we will introduce that legislation. We are taking the time to get it right.

* * *

ETHICS

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I do not envy Conservative backbenchers as they head out on the barbecue circuit, forced to defend broken promises on the Senate 59 times, broken promises on transparency, broken promises on electoral fraud and phony campaign financing. The only defence they can come up with is that they are not quite as bad as the Liberals used to be.

Through you, Mr. Speaker, I ask Conservative backbenchers: Is this really what they came to Ottawa for, to defend the unbridled patronage and rum bottle politics that they used to so resoundingly condemn?

● (1435)

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, one thing I do know is that there will not be any Conservative members of Parliament who, unlike the member for Winnipeg Centre, will be defending lawsuits for libel this summer.

What we will be talking about this summer is, indeed, our government's record of delivering for Canadians. In fact, it was announced last week by Statistics Canada that the Canadian economy has created over a million new jobs. In fact, Canada has the best jobs numbers in the G7 and the lowest taxes in 50 years. We will be proud to stand on our record all summer.

* * *

ELECTIONS CANADA

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, Canadians have had enough of paying for the Conservative pretty department.

First, the Prime Minister gets caught paying his personal makeup artist and stylist out of taxpayer funds. Then the finance minister is caught billing taxpayers for Maybelline and CoverGirl cosmetics, trying to look good on budget day. Now the Parliamentary Secretary to the Minister of Veterans Affairs is trying to get a taxpayer rebate for beauty products and services during the last election.

Would the government confirm that the parliamentary secretary did not break Elections Canada rules?

Ms. Eve Adams (Parliamentary Secretary to the Minister of Veterans Affairs, CPC): Mr. Speaker, more than two-thirds of my personal expenses were for child care, as I campaigned from 7 a.m. until after 10 p.m. every day. While voters can tell members that my five-year-old son came to many doorsteps, he also had to eat, play and go to sleep at a reasonable hour. I had to keep campaigning.

In fact, the media called my campaign particularly respectful, intelligent and focused on issues, not on mudslinging.

Elections Canada has very clear-cut rules and definitions of what can and cannot constitute a personal campaign expense. All campaigns, including my campaign, need to follow those definitions.

* * *

NATIONAL DEFENCE

Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, on Friday, Corporal Kirkland was given his discharge papers, and in rejecting the terms made to him by the Canadian Forces, he wrote:

> As of 15 Sept. 2015 I would be able to collect a Partial index Pension, this pension would help me in my quality of Life and is essential to my successful release. The [Minister] has stated in Parliament on 6 June 2013 that I may stay in the forces as long as I need. I believe this option should be available to ALL wounded soldiers.

Does the minister agree?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, as is the case with all injured members, Corporal Kirkland, in fact, will be able to fully prepare mentally, physically and occupationally for his eventual release. That is his option. That is the case with all Canadian Forces members injured in combat.

With respect to Corporal Kirkland, I can inform the member that, in fact, Colonel Blais, of Canadian military forces personnel, spoke with him and confirmed that this direction applies to him and that this option for release will be his and his alone.

Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, I am actually pleased to hear the minister's response. I do hope that his response is assurance that Corporal Kirkland will receive his pension, that he will receive his medications, that this option will be available to all the wounded soldiers, because that is a policy decision, and that further, the chain of command is onside.

I am pleased with the minister's answer, and I am hoping that when he responds, he will recognize that, in fact, Corporal Kirkland is watching his response.

Hon. Peter MacKay (Minister of National Defence, CPC): I am pleased that he is pleased, Mr. Speaker.

* * *

[*Translation*]

SEARCH AND RESCUE

Ms. Christine Moore (Abitibi—Témiscamingue, NDP): Mr. Speaker, over a year ago, Defence Research and Development Canada's report indicated that increasing the search and rescue service's hours of operations helps save lives. The Conservatives knew that, but they did nothing about it. It took NDP motions and a report from the Auditor General for them to realize that it might be time to stop dragging their feet. We are talking about people's safety. It is a matter of life and death.

Why did they not do anything before?

● (1440)

[*English*]

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, as I announced on May 2, in order to help the Canadian Forces optimize its SAR preparedness, its readiness posture, a comprehensive analysis of peak periods of seasonal, weekly and daily SAR activities across the country has been conducted. This was in addition to a number of measures we announced at that time to improve the ability of the Canadian Forces to respond to the largest search and rescue territory on the planet.

We are continuing to make improvements in that regard and are continuing to bolster and improve the ability of the greatest search and rescue technicians anywhere in the world.

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, it was a half measure. The reality is, they claim that search and rescue is a "priority", then they fail to act when warned. For over a year, the report from Defence Research and Development Canada gathered dust, potentially putting lives at risk. New Democrats were warning them. Experts were warning them, and even internal reports were warning them. Improving response times saves lives. They were warned, but they did not act. Why?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, we acted, and we continue to act. I remind the hon. member that our SAR crews frequently surpass their mandated response times. In fact, in 2011, 103 Squadron, based in Gander, in the member's home province, averaged a 21.3-minute reaction time in the 30-minute posture, and 58.7 minutes during the two-hour evening posture.

This is a remarkable accomplishment brought about by training, dedication and the willingness to risk lives in the service of our country.

* * *

PRIVACY

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, that is not what the Auditor General said. Why can the minister not just admit that he was wrong?

Yesterday, the minister could not answer questions about whether the Communications Security Establishment received information from the U.S. program known as PRISM. Hours later, though, CSE released a statement.

Can the minister now tell us if he has raised any concerns with the United States about the NSA eavesdropping on Canadians? What steps has the department taken to help the Privacy Commissioner in her investigation?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, I can advise my hon., albeit paranoid, friend that, in fact, CSE does not target Canadians, and of course, nor do we ask our allies to do so.

CSE is also, of course, very much subject to the Privacy Commissioner, but we have our own commissioner, a former federal judge, who has said on a number of occasions that it highlights CSE's genuine concern for protecting the privacy of Canadians and that to date, all recommendations related to privacy have been addressed, and he has lauded CSE's ability to protect Canadians' privacy.

* * *

NATIONAL DEFENCE

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, Corporal Glen Kirkland is one of the heroes of Canada who served so valiantly in Afghanistan. He appeared before the House of Commons defence committee, telling everyone of his fear that the military would try to release him early to deny him possible benefits. He wishes to be released on September 15, 2015, but the other day, he got a release notice saying that he is supposed to go in a few months.

The minister in the House said very clearly that he can stay as long as he desires, and so my question is quite simple. On behalf of Corporal Glen Kirkland, will the minister now honour his commitment and allow him to stay in the military until September 15, 2015? Yes or no.

Hon. Peter MacKay (Minister of National Defence, CPC): Yes, Mr. Speaker, I have already answered that question. In fact, all injured members are not released from the military until they are prepared to do so. Until they are prepared for release, they work with members of the Canadian Forces on their transition plans. When it is appropriate for their families and they are ready to make a shift into the private sector, there is a program specifically designed to help with that transition. That will be the case for Corporal Kirkland. That will be the case for injured members of the Canadian Forces on my watch.

* * *

FOREIGN AFFAIRS

Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC): Mr. Speaker, Richard Falk has once again disgraced himself. Mr. Falk is once again attacking UN Watch, an NGO led by Canadian Hillel Neuer, and has called for it to be investigated. This is McCarthyism in the worse sense of the term.

Will the Minister of Citizenship, Immigration and Multiculturalism inform the House as to whether the government agrees with Mr. Falk or not?

● (1445)

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, Richard Falk is an embarrassment to the United Nations Human Rights Council. He has praised 9/11 conspiracy theorists repeatedly. He has suggested that the United States provoked terrorist attacks against it. He is now attacking a Canadian-led UN Watch.

We call on Richard Falk to be fired as a special rapporteur of the United Nations Human Rights Council. He is a disgrace to that body and the United Nations.

* * *

RAIL TRANSPORTATION

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, three engineers paid with their lives when VIA derailed in Burlington.

For a decade, the Transportation Safety Board has asked the minister to mandate automatic braking systems and voice recorders for all trains. Derailment after derailment, year after year, the minister failed to act. Today the safety board asked the same thing again.

How many more crashes and how many lost lives will it take for the minister and the Conservative government to act and put safety first?

Hon. Steven Fletcher (Minister of State (Transport), CPC): Mr. Speaker, naturally our thoughts and prayers go out to the victims of the tragic Burlington derailment and all traffic accidents on the tracks. We take these issues very seriously.

I will point out that safety has actually improved over the decade. However, we have listened to the recommendations in the report and the Minister of Transport is encouraging the Railway Association of Canada, CN and CP to install recording devices. It would be a big help.

[*Translation*]

Mr. Robert Aubin (Trois-Rivières, NDP): Mr. Speaker, I think that Canadians would appreciate less lip service and more action from the government.

How many more people will have to lose their lives for the government to do something about this?

For years the NDP has been calling on the government to make employee and passenger safety a priority and to have automatic braking systems installed on trains.

Will the Minister of Transport, Infrastructure and Communities respond to the recommendations of the Transportation Safety Board of Canada by introducing a bill that would make automatic braking systems mandatory?

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, obviously, our thoughts and prayers are with the families of the victims.

We have already taken action to improve our railway safety system. We introduced a bill on this mandating stricter penalities for those who break the rules. What is more, legislation protects whistleblowers who expose safety problems in our network.

We have already initiated the process to put recorders on VIA Rail trains and we will continue our work.

LIBRARY AND ARCHIVES CANADA

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Mr. Speaker, on another topic, it seems that Library and Archives Canada is currently in discussions with Canadiana regarding a project to digitize archives and set up a paywall.

The minister found a way to compensate for the cuts the Conservatives are making to this institution: charge people for services, yet people are already paying for these services when they pay their taxes.

Does the minister really intend to charge Canadians for access to publicly owned archives?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, that is not exactly the case.

As the hon. member must know, the former head of Library and Archives Canada, Daniel Caron, resigned. Someone is currently filing the position on an interim basis. A new head librarian and archivist will likely be selected this fall, and we will examine this policy more closely.

The hon. member's information is not quite accurate. We are going to examine these policies and other hot issues that are very important to all Canadians in order to protect Canada's heritage.

[*English*]

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, the fact is the government is taking public property and it is selling it back to Canadians at a profit. These documents belong to the people of Canada. They have already paid for them. However, if they want to have access to them, they will have to pay again.

The digitization plan at Library and Archives Canada is already under free-fall due to the minister's reckless cuts. These are his mistakes. Does he really think it is fair to make Canadians pay for them twice?

● (1450)

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, my colleague again does not quite have it right like his colleague opposite. Library and Archives Canada receives over $100 million every year from taxpayers. It is a lot of money and the digitization that it has been doing is the modernization that libraries and archives across the country and in comparable countries are doing. Canadians want to have access to this, not just those who have the opportunity to come here and physically access the archives, but to have it available digitally online in the format that Canadians choose to have it available in.

When the new permanent president is installed, probably this fall, he or she will look at the digitization aspect and will look at these questions and ensure the Library and Archives is modernized in a way that will benefit all Canadians.

* * *

[*Translation*]

PRIVACY

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, Canadians are worried about the fact that the government has been giving CSEC access to metadata from their personal communications since 2011. Our privacy is at risk, and Parliament needs to talk about this.

Why did the government, which claims to be so concerned about protecting Canadians' privacy, get rid of the long-form census? Why is the government not protecting Canadians and why is it allowing this spying?

[*English*]

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, as I have now stated a number of times in the House, CSEC is prohibited by law from directing its activities toward Canadians, or directing its activities at any person in Canada. The only targeting that is done, and the member, as a former member of the Canadian Armed Forces would know this, is on foreign intelligence. We work with our allies, but as I stated yesterday, we do not have access to the PRISM data and we use metadata to identify and collect international, not domestic, communications.

* * *

THE ENVIRONMENT

Ms. Kirsty Duncan (Etobicoke North, Lib.): Mr. Speaker, Great Lakes water levels are at historic lows. In January, water levels were the lowest they have been since 1918. This is threatening the $34-billion shipping industry, forcing ships to carry less cargo and ultimately increasing the price of consumer goods for the middle class.

Will the government finally admit that its inaction on climate change is forcing Canadians to pay the price?

Ms. Michelle Rempel (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, unfortunately, it has been our government that has had to pick up the Liberals' inaction on climate change. We saw a 30% increase in greenhouse gas emissions under that government's tenure. In fact, it has been under our government's watch that we have seen a reduction in the growth of greenhouse gas emissions while our economy grows. We would not have seen this under the Liberals' policy that would have put a carbon tax, which would have actually reduced the size of Canada's economy and not seen any tangible results.

Our sector-by-sector regulatory approach is getting the job done. We are looking at results of each of the key emitting sectors. For once, Canada can be proud to stand and say we are taking real results on climate change as opposed to what the Liberals did.

* * *

[*Translation*]

FOREIGN AFFAIRS

Ms. Ève Péclet (La Pointe-de-l'Île, NDP): Mr. Speaker, the international community, the G8 and various UN bodies have made it a priority to put an end to rape as a weapon of war.

In order to eradicate the scourge of sexual violence in conflict areas, we absolutely must promote gender equality.

Could the government explain its position at the UN regarding the use of education and the promotion of gender equality to put an end to sexual violence in conflict areas?

[*English*]

Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, Canada is pleased to take a leadership role in the resolution of this important topic about gender violence. Canada is a world leader in the protection and promotion of the rights of women and girls. We continue to focus on concrete measures aimed at improving the lives of women and children around the world.

Ms. Niki Ashton (Churchill, NDP): Mr. Speaker, the fact is people are concerned that the Conservatives will apply a double standard when it comes to reproductive rights. Survivors of sexual violence in conflict areas need comprehensive reproductive health services, including emergency contraception, gender equality and sexual education, treatment for sexually transmitted diseases and abortion services.

Will the government commit to supporting international efforts to help survivors of sexual violence, including helping to provide a full range of sexual and reproductive health services?

● (1455)

Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, as I just said, Canada is pleased to take a leadership role. Canada is a world leader in the protection and promotion of rights of women and girls. We continue to focus on concrete measures in the different lives of women and children around the world. We will continue doing this on the international stage. However, most important, we have to comply with our laws in our country and that is what we will do.

* * *

CANADA REVENUE AGENCY

Mr. Parm Gill (Brampton—Springdale, CPC): Mr. Speaker, the NDP is not on the side of Canadian taxpayers. The New Democrats advocate higher taxes for hard-working families and allow MPs to sit in their caucus despite tens of thousands of dollars in unpaid taxes. In spite of this total lack of credibility, left-wing groups with ties to the NDP suggest that Canada will resist efforts to combat tax evasion and tax avoidance at the upcoming G8 meeting.

Could the Minister of National Revenue please set the record straight and clearly state our government's position ahead of next week's G8 meeting?

Hon. Gail Shea (Minister of National Revenue and Minister for the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, the suggestion that we are resisting efforts to combat tax evasion is completely false. We support Prime Minister Cameron's efforts to achieve a G8 consensus on tax havens and on tax evasion.

The Parliamentary Secretary to the Minister of Finance was at the OECD just last week, working on this very issue. Our government has a strong record of getting tough on tax cheats, including obtaining information on Canadians with offshore assets from our international partners. Since 2006, we have introduced over 75 measures to improve the integrity of our tax system—

The Speaker: Order, please. The hon. member for Sydney—Victoria.

* * *

EMPLOYMENT INSURANCE

Hon. Mark Eyking (Sydney—Victoria, Lib.): Mr. Speaker, Crystal MacKinnon is a widow with two small children. She has worked on her uncle's boat for 20 years. She gets up at 4 o'clock in the morning, baits and sets the traps. This past winter she was cut off EI and forced to go to a local food bank. The intimidating appeal process has denied her again.

The government is chasing people out of seasonal industries like the fisheries, from Atlantic Canada, northern Cape Breton and Quebec.

Why is the government attacking our most vulnerable citizens?

Ms. Kellie Leitch (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, our government is making common sense changes to ensure we can attach unemployed individuals to opportunities for employment. In fact, this government has created over a million net new jobs since the downturn of our recession, creating opportunities for Canadians.

As I have mentioned before, employment insurance will continue to be there for those individuals who are unable to find work, through no fault of their own, when they need it.

[*Translation*]

Ms. Ruth Ellen Brosseau (Berthier—Maskinongé, NDP): Mr. Speaker, one of my constituents, Michel Morin, has been waiting for months for his appeal to be heard by the Social Security Tribunal.

The problem is that the transition is rather chaotic, with cases being transferred from separate tribunals to the single tribunal. Wait times are very long and Canadians are not getting justice.

How long will Mr. Morin have to wait before getting an answer?

Ms. Kellie Leitch (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, the EI appeal mechanism is currently very slow.

Fewer than one out of three appeals is heard within 30 days. The new Social Security Tribunal will continue to provide all Canadians with a fair, quick and accessible mechanism, while eliminating unnecessary duplication of administrative procedures.

[*English*]

VETERANS AFFAIRS

Mr. Wladyslaw Lizon (Mississauga East—Cooksville, CPC): Mr. Speaker, we have heard veterans, loud and clear, on the importance of military and medical experience for members of the Veterans Review and Appeal Board.

Could the Minister of Veterans Affairs update the House on the appointment of a new vice-chair for the Veterans Review and Appeal Board and why this appointment is so important for Canadian veterans?

[*Translation*]

Hon. Steven Blaney (Minister of Veterans Affairs and Minister for La Francophonie, CPC): Mr. Speaker, I thank the member for Mississauga East—Cooksville for his question about appointments to the Veterans Review and Appeal Board, something that affects our veterans. We want people who have military experience.

[*English*]

Today, I am proud to announce that for the first time in the history of the Veterans Review and Appeal Board, the vice-chair position will be held by a veteran. Retired Lieutenant-Commander Owen Parkhouse has over 25 years of remarkable military service and experience, having worked in the operational stress injury clinics across Canada.

That is what veterans have been calling for and that is what this government, with its great caucus members, is delivering.

* * *

● (1500)

INFRASTRUCTURE

Mr. Jasbir Sandhu (Surrey North, NDP): Mr. Speaker, the Pattullo Bridge in my riding is long overdue for upgrades, in fact 26 years overdue. However, this upgrade is more than what municipalities and TransLink can afford. Proposals call for a toll that would target Surrey residents. Surrey already has a toll bridge, the only one in the Lower Mainland.

Could the minister support the Pattullo Bridge upgrades without tolls?

Hon. Steven Fletcher (Minister of State (Transport), CPC): Mr. Speaker, we often get requests such as this, but in most cases ferries fall within provincial jurisdiction.

I would like to highlight that we do have the Canada building fund part 2 coming up, which would allow municipalities to pick and choose projects that they wish to invest in.

Certainly, if there is a proposal for this particular ferry, we would be happy to look at it.

* * *

[*Translation*]

SPORT

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, when the Quebec Soccer Federation decides to follow

FIFA rules, which prohibit the wearing of turbans, Conservative ministers and the Liberal leader shout about intolerance.

By supporting the suspension of the Quebec Soccer Federation, they are preventing thousands of young Quebec players from participating in Canadian and international competitions. These people are criticizing the Quebec Soccer Federation for following the international federation's rules. Rather than attacking young soccer players in Quebec, we need to ask FIFA to consider changing its rules.

Will the minister responsible for amateur sport intervene and call for the reintegration of the Quebec Soccer Federation, which simply decided to follow the rules?

[*English*]

Hon. Bal Gosal (Minister of State (Sport), CPC): Mr. Speaker, we believe that amateur sports like soccer should encourage the participation of children rather than exclude them.

We see no valid reason that kids should be banned from playing soccer because of their religion.

I encourage Quebec Soccer Federation to follow the lead of soccer leagues across Canada and the Canadian Soccer Association, and not create barriers for children who want to play sports they love.

GOVERNMENT ORDERS

[*English*]

FAMILY HOMES ON RESERVES AND MATRIMONIAL INTERESTS OR RIGHTS ACT

The House resumed consideration of the motion that Bill S-2, An Act respecting family homes situated on First Nation reserves and matrimonial interests or rights in or to structures and lands situated on those reserves, be read the third time and passed, and of the amendment

The Speaker: Pursuant to order made on Wednesday, May 22, 2013, the House will now proceed to the taking of the deferred recorded division on the amendment of Ms. Crowder to the motion at third reading stage of Bill S-2.

Call in the members.

● (1510)

(The House divided on the amendment which was negatived on the following division:)

(Division No. 747)

YEAS

Members

Allen (Welland)	Andrews
Angus	Ashton
Atamanenko	Aubin
Bélanger	Bennett
Benskin	Bevington
Blanchette	Blanchette-Lamothe
Boulerice	Boutin-Sweet
Brosseau	Byrne
Caron	Casey
Cash	Charlton
Chicoine	Chisholm

Chow
Comartin
Cotler
Cullen
Davies (Vancouver Kingsway)
Day
Dion
Donnelly
Dubé
Duncan (Edmonton—Strathcona)
Easter
Foote
Freeman
Garneau
Genest
Giguère
Goodale
Groguhé
Harris (St. John's East)
Hughes
Jones
Karygiannis
Lapointe
Latendresse
LeBlanc (Beauséjour)
Leslie
MacAulay
Martin
Mathyssen
McCallum
Moore (Abitibi—Témiscamingue)
Morin (Notre-Dame-de-Grâce—Lachine)
Mulcair
Nash
Nunez-Melo
Papillon
Péclet
Pilon
Quach
Rafferty
Ravignat
Regan
Saganash
Scarpaleggia
Sellah
Simms (Bonavista—Gander—Grand Falls—Windsor)
Sims (Newton—North Delta)
Sitsabaiesan
Stewart
Sullivan
Tremblay
Turmel
Christopherson
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)
Hsu
Jacob
Julian
Lamoureux
Larose
Laverdière
LeBlanc (LaSalle—Émard)
Liu
Mai
Masse
May
Michaud
Morin (Chicoutimi—Le Fjord)
Morin (Laurentides—Labelle)
Murray
Nicholls
Pacetti
Patry
Perreault
Plamondon
Rae
Rankin
Raynault
Rousseau
Sandhu
Scott
Sgro
St-Denis
Stoffer
Thibeault
Trudeau
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NAYS

Members

Ablonczy
Adler
Albas
Alexander
Allison
Ambrose
Anderson
Aspin
Benoit
Bernier
Blaney
Boughen
Breitkreuz
Brown (Newmarket—Aurora)
Bruinooge
Calandra
Cannan
Carrie
Chong
Clement
Davidson
Del Mastro
Dreeshen
Dykstra
Flaherty
Galipeau
Gill
Adams
Aglukkaq
Albrecht
Allen (Tobique—Mactaquac)
Ambler
Anders
Armstrong
Bateman
Bergen
Bezan
Block
Braid
Brown (Leeds—Grenville)
Brown (Barrie)
Butt
Calkins
Carmichael
Chisu
Clarke
Daniel
Dechert
Devolin
Duncan (Vancouver Island North)
Findlay (Delta—Richmond East)
Fletcher
Gallant
Glover
Goguen
Gosal
Grewal
Hawn
Hiebert
Hoback
James
Kamp (Pitt Meadows—Maple Ridge—Mission)
Kenney (Calgary Southeast)
Kerr
Kramp (Prince Edward—Hastings)
Lauzon
Leef
Lemieux
Lizon
Lunney
MacKenzie
McColeman
Menegakis
Merrifield
Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)
Nicholson
Obhrai
O'Neill Gordon
O'Toole
Payne
Preston
Rajotte
Rempel
Rickford
Schellenberger
Shea
Shory
Stanton
Strahl
Toet
Trost
Truppe
Uppal
Van Kesteren
Vellacott
Warawa
Watson
Weston (Saint John)
Williamson
Woodworth
Young (Oakville)
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Goldring
Gourde
Harris (Cariboo—Prince George)
Hayes
Hillyer
Holder
Jean
Keddy (South Shore—St. Margaret's)
Kent
Komarnicki
Lake
Lebel
Leitch
Leung
Lobb
MacKay (Central Nova)
Mayes
McLeod
Menzies
Miller
Norlock
O'Connor
Opitz
Paradis
Poilievre
Raitt
Reid
Richards
Saxton
Seeback
Shipley
Sopuck
Storseth
Sweet
Toews
Trottier
Tweed
Valcourt
Van Loan
Wallace
Warkentin
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)
Wilks
Wong
Yelich
Young (Vancouver South)

PAIRED

Nil

The Speaker: I declare the amendment defeated.

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

Some hon. members: Agreed.

Some hon. members: No.

The Speaker: All those in favour will please say yea.

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion, the yeas have it.

And five or more members having risen:

● (1515)

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

(Division No. 748)

YEAS

Members

Ablonczy	Adams
Adler	Aglukkaq
Albas	Albrecht
Alexander	Allen (Tobique—Mactaquac)
Allison	Ambler
Ambrose	Anders
Anderson	Armstrong
Aspin	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	Findlay (Delta—Richmond East)
Flaherty	Fletcher
Galipeau	Gallant
Gill	Glover
Goguen	Goldring
Gosal	Gourde
Grewal	Harris (Cariboo—Prince George)
Hawn	Hayes
Hiebert	Hillyer
Hoback	Holder
James	Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)	Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)	Kent
Kerr	Komarnicki
Kramp (Prince Edward—Hastings)	Lake
Lauzon	Lebel
Leef	Leitch
Lemieux	Leung
Lizon	Lobb
Lunney	MacKay (Central Nova)
MacKenzie	Mayes
McColeman	McLeod
Menegakis	Menzies
Merrifield	Miller
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	
Nicholson	Norlock
Obhrai	O'Connor
O'Neill Gordon	Opitz
O'Toole	Paradis
Payne	Poilievre
Preston	Raitt
Rajotte	Reid
Rempel	Richards
Rickford	Saxton
Schellenberger	Seeback
Shea	Shipley
Shory	Sopuck
Stanton	Storseth
Strahl	Sweet
Toet	Toews
Trost	Trottier
Truppe	Tweed
Uppal	Valcourt
Van Kesteren	Van Loan
Vellacott	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)
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NAYS

Members

Allen (Welland)	Andrews
Angus	Ashton
Atamanenko	Aubin
Bélanger	Bennett
Benskin	Bevington
Blanchette	Blanchette-Lamothe
Boulerice	Boutin-Sweet
Brosseau	Byrne
Caron	Casey
Cash	Charlton
Chicoine	Chisholm
Chow	Christopherson
Comartin	Côté
Cotler	Crowder
Cullen	Cuzner
Davies (Vancouver Kingsway)	Davies (Vancouver East)
Day	Dewar
Dion	Dionne Labelle
Donnelly	Doré Lefebvre
Dubé	Duncan (Etobicoke North)
Duncan (Edmonton—Strathcona)	Dusseault
Easter	Eyking
Foote	Fortin
Freeman	Fry
Garneau	Garrison
Genest	Genest-Jourdain
Giguère	Godin
Goodale	Gravelle
Groguhé	Harris (Scarborough Southwest)
Harris (St. John's East)	Hsu
Hughes	Jacob
Jones	Julian
Karygiannis	Lamoureux
Lapointe	Larose
Latendresse	Laverdière
LeBlanc (Beauséjour)	LeBlanc (LaSalle—Émard)
Leslie	Liu
MacAulay	Mai
Martin	Masse
Mathyssen	May
McCallum	Michaud
Moore (Abitibi—Témiscamingue)	Morin (Chicoutimi—Le Fjord)
Morin (Notre-Dame-de-Grâce—Lachine)	Morin (Laurentides—Labelle)
Mulcair	Murray
Nash	Nicholls
Nunez-Melo	Pacetti
Papillon	Patry
Péclet	Perreault
Pilon	Plamondon
Quach	Rae
Rafferty	Rankin
Ravignat	Raynault
Regan	Rousseau
Saganash	Sandhu
Scarpaleggia	Scott
Sellah	Sgro
Simms (Bonavista—Gander—Grand Falls—Windsor)	
Sims (Newton—North Delta)	
Sitsabaiesan	St-Denis
Stewart	Stoffer
Sullivan	Thibeault
Tremblay	Trudeau
Turmel	Valeriote
Williamson– — 125	

PAIRED

Nil

The Speaker: I declare the motion carried.

(Bill read the third time and passed)

The Speaker: The hon. member for New Brunswick Southwest is rising on a point of order.

● (1520)

Mr. John Williamson: Mr. Speaker, you can obviously see the point I am trying to make here. In the past, when members voted on both sides of the question, I believe the Chair asked for clarification.

I am pressing this point because when members rise on a question in this House, I think it is important that the rules apply equally and that when members inadvertently vote one way or the other, they are asked to stand to correct the record.

For the record, I am glad you did not ask the whip for the NDP as to how I vote. I would like to affirm now that I vote with the government.

The Speaker: I think there is a point to be made that there may be room for discussion on inadvertently doing something versus purposely doing something. In any event, I appreciate the clarification.

I wish to inform the House that because of the deferred recorded divisions, government orders will be extended by 16 minutes.

On a point of order, the hon. member for Papineau.

Mr. Justin Trudeau: Mr. Speaker, I rise on a point of order. I think if you sought it you would find unanimous consent for the following motion.

I move that the Board of Internal Economy begin posting the travel and hospitality expenses of members on a quarterly basis to the Parliament of Canada website in a manner similar to the guidelines used by the government for proactive disclosure of ministerial expenses.

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

Some hon. members: Agreed.

Some hon. members: No.

[*Translation*]

Mr. Justin Trudeau: Mr. Speaker, I rise on a point of order. I think you will find unanimous consent for the following motion:

I move that the Board of Internal Economy begin to post expense reports organized by member, every quarter, on the Parliament of Canada website, in a form more accessible to the public.

[*English*]

The Speaker: The member may know that usually a period of time has to proceed before a member seeks unanimous consent for the same motion.

Is it a different one? It is.

Then does the hon. member have the unanimous consent of the House to propose the motion?

Some hon. members: Agreed.

Some hon. members: No.

[*Translation*]

Mr. Justin Trudeau: Mr. Speaker, I rise on a point of order. I think you will find unanimous consent for the following motion:

I move that the House ask the Auditor General to conduct performance audits of the House of Commons administration every three years.

[*English*]

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

Some hon. members: Agreed.

Some hon. members: No.

Mr. Justin Trudeau: Mr. Speaker, on a point of order, I think if you sought it, you would find unanimous consent for the following motion.

I move that the Standing Committee on Procedure and House Affairs be directed to develop guidelines under which the Auditor General is asked to perform more detailed audits of parliamentary spending and report these guidelines to the House no later than December 10, 2013.

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

Some hon. members: Agreed.

Some hon. members: No.

The Speaker: There is no consent.

The hon. member for Skeena—Bulkley Valley on a point of order.

* * *

POINTS OF ORDER

BOARD OF INTERNAL ECONOMY

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, I find the new energy and spirit of disclosure coming from the Liberal Party to be interesting.

I think if you would ask it, you would find unanimous consent and support for the following motion. I move:

> That the Board of Internal Economy investigate the potential use of the members' Travel Points System to attend paid speaking engagements.

The Speaker: Does the hon. member for Skeena—Bulkley Valley have the unanimous consent of the House?

Some hon. members: Agreed.

(Motion agreed to)

Mr. Kevin Lamoureux: Mr. Speaker, because it is a very serious issue and given that there is a sense that we have all come together, maybe both the New Democrats and Conservatives will agree to the motions that the leader of the Liberal Party just presented.

Could we maybe canvass them?

The Speaker: They may, but as I said, there has to be some period of proceedings that transpire before members can move the same motion seeking consent. Perhaps that might come at a later time.

The hon. member for Saanich—Gulf Islands on a point of order.

● (1525)

Ms. Elizabeth May: Mr. Speaker, now that we have been able to agree on something here, if I may press the point, could we also agree that we would publish the expenses of members of Parliament when they travel across the country to participate in by-election campaigns?

The Speaker: I did not really hear a motion there.

Some hon. members: Agreed.

Some hon. members: No.

The Speaker: There does not seem to be consent.

I have called for orders of the day. The hon. government House leader.

* * *

PROHIBITING CLUSTER MUNITIONS ACT

BILL S-10—TIME ALLOCATION MOTION

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I too have a good idea. I move:

That, in relation to Bill S-10, An Act to implement the Convention on Cluster Munitions, not more than five further hours shall be allotted to the consideration of the second reading stage of the Bill; and

that, at the expiry of the five hours provided for the consideration of the second reading stage of the said Bill, any proceedings before the House shall be interrupted, if required for the purpose of this Order, and, in turn, every question necessary for the disposal of the said stage of the Bill shall be put forthwith and successively, without further debate or amendment.

The Speaker: There will now be a 30-minute question period.

The hon. member for Ottawa Centre.

Mr. Paul Dewar (Ottawa Centre, NDP): Mr. Speaker, this is number 45; here we go again. This is 45 times that the Conservative government has brought in closure. It is a government whose members said they were going to do things differently; and, not once, not twice, but 45 times, they have broken that promise they made, how many years ago?

It is important to understand the legislation we are going to be debating. It is on cluster munitions. This is a very serious treaty that we signed onto. The bill comes from the Senate where there is testimony from witnesses who condemn this bill. In fact, most people who went to speak to members on the other side said that this bill in its present form is retrograde. It would undermine the spirit of the treaty.

So let us get this straight. We have a government that brought in at midnight, a week or so ago, this bill to the House. The Conservatives had one speaker on it at midnight; that is how seriously they take it. They then brought in closure on it. After having heard what happened in the Senate, they feel that the bill is okay the way it is, because I suspect that they are going to ram it through. After we have watched this bill come from the other side, not from this place, and after we have seen it brought up for a couple of minutes after midnight, by the parliamentary secretary for foreign affairs, and after we have seen what the Conservatives are doing on issues like the arms trade treaty, we certainly need a lot more debate on this. We need to take it more seriously, and we need to see amendments.

Are the government members actually going to listen to what Canadians are saying on this bill? Are they going to listen to witnesses who condemn this bill in its present form? I know the minister knows this. I have talked to the Minister of Foreign Affairs. I know the Minister of National Defence knows the criticisms of this bill. He knows that if it is passed in its present form, many people will say it is better not to bring in enacting legislation because it would undermine the spirit of it.

Therefore, why is the government rushing this through again? Why are the Conservatives bringing in closure on a bill that is so very important? This is about Canada's reputation on the international stage. Why closure, why this bill in its present form? And will they allow amendments this time, or are they just going to shut it down like they always do?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, I have listened to my hon. friend, and I understand his point of view. However, the reality is that this effort to bring forward both the convention and now the accompanying legislation has been under way since 2008. The member has read the issue and has said it is a very serious one; it is one that has far-reaching implications and in which Canada has exhibited leadership. We were there in the early days of the negotiation to ensure that we were complying with both the spirit and the letter of the law. This is now the time to step forward, bring the legislation to fruition and allow Canada to go forward and ratify.

This prohibiting cluster munitions act would fully implement the legislative commitments that are there under the convention, which the hon. member mentioned. It would strike the balance between the humanitarian obligations, which are very real; we know the grave implications that come about with the use of cluster munitions. As well, it would preserve our national security and defence interests. I add that, because of the realities, that we work with other NATO allies, most notably the United States of America, in missions that very much have a humanitarian component as was the case in Afghanistan, to comply with some of the amendments and the position taken by the member opposite would prohibit that international contribution.

Therefore, as the Minister of Foreign Affairs indicated quite clearly in his testimony in the other place, this is an honourable compromise. This is the way to move the legislation forward, to move forward with a ratification of the convention, and allow us to continue to act interoperably with our allies.

● (1530)

[*Translation*]

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, I have found in recent weeks that the government is short on inspiration. No one really knows what direction it wants to take. The schedule changes randomly. As my colleague, the foreign affairs critic, has said, the government introduced a very significant but very flawed bill.

Why is this government introducing such a significant bill at the last minute? This bill has international implications for Canada.

Also, why is the government imposing a gag order and bypassing important steps, thereby preventing this significantly flawed bill from being properly studied?

What is going on? What are the government's priorities, especially in terms of Canada's reputation on the world stage?

[*English*]

Hon. Peter MacKay: Mr. Speaker, the short answer to what it means for Canada is action, not words. It means we are actually implementing and moving forward on this important issue.

I note that the legislation would very much preserve Canada's ability to continue to work internationally, but, at the same time, it implements Canada's commitments to the convention, as is in line with our key allies. I note that Australia and the United Kingdom, and many of our NATO allies, many of the countries we have worked with abroad, are in fact taking the same steps.

My colleague from Ottawa Centre a moment ago mentioned that there are those who are critics of the legislation. That may be, but I also note that there are a number of NGOs calling on Canada to ratify the convention. They are calling on us to move forward and ensure that Bill S-10 is enacted as quickly as possible.

Let us not let perfection get in the way of progress on this. Let us allow Canada to move forward, to step out on the international stage, as we have throughout this process, as we have been leaders in this process, and move this legislation forward. That is what we seek to do. That is why we are taking this step. This legislation is important when it comes to Canada meeting its international commitments, protecting civilians, protecting those affected by cluster munitions, and allowing Canada to continue to play a significant role internationally.

[*Translation*]

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Mr. Speaker, we have now reached the 45th time allocation motion. This makes no sense.

Does the government intend to move time allocation motions for all bills until the end of the session? Are the Conservatives planning on proroguing so they can pack up and go home because of all the scandals coming out these days? Are they not willing to answer any more questions from parliamentarians or the public?

● (1535)

[*English*]

Hon. Peter MacKay: Mr. Speaker, the answer is no, but what I can say is that on this particular piece of legislation, we have a history that goes back to 2008. We have international commitments that we seek to comply with. This legislation would allow us to do just that.

This bill is very much in keeping with the intent for Canada to continue to play a leading role internationally in addressing the humanitarian impact of land mines and explosive remnants of war. This bill is also in keeping with Canada's commitment since 2006 to continue with the disarmament of these types of munitions that have such a devastating impact. Canada has contributed more than $200 million through 250 projects internationally to this global effort, which makes Canada one of the top contributors to this issue. That is, again, in keeping with the spirit of the legislation and the ratification of this convention.

We are deeply committed to this cause, as witnessed by this legislation and international contributions. The total amount of support by Canada continues toward the area of mine action and the issues that vary from year to year. We want to be consistent in demonstrating that, both to our citizens and those internationally who watch these issues very closely. That is why we think it is time for progress, it is time to advance the legislation, and advance this cause generally.

Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, I want to thank the minister for answering many of the questions on this bill, as the NDP critic mentioned the other night at midnight when I spoke on this bill and gave the government's position.

What is important is that Canada has been a very strong contributor toward the damages of the remnants of war, mines and cluster munitions. The minister just mentioned the $200 million. I was in Cambodia earlier this year, where I saw a massive effort being made in war countries in removing mines and cluster munitions that have been left behind and have been injuring children. I have been to Mozambique and saw how much damage has been done to livestock, as well as to young children playing there, as well as in Angola. The Government of Canada is very proud to support all the things it has supported, over and above this bill. We should not look only at this bill but the larger picture of what Canada has been doing.

I would like the minister to elaborate on what Canada has done in meeting the goals in the bill but that are also part of Canada's core foreign policy.

Hon. Peter MacKay: Mr. Speaker, I want to commend my colleague for his understanding of the far-reaching implications of this, and the fact that this is but one piece of a larger puzzle when it comes to Canada's international efforts vis-à-vis demining efforts and the use of this legislation to help implement the convention banning cluster munitions.

In his extensive travels, I know the member has on many occasions encountered representatives of nations around the world who are very grateful for Canada's efforts. Whether it be in some of the conflict zones in which Canada has been involved over the years, in Bosnia, Kosovo, and more recently, Afghanistan and Libya, we have seen the devastating effects and countries that are mined to the max, where the remnants of war have such grave implications particularly for schoolchildren.

It is something that we need to reflect on. The fact is there are many countries where the mere effort of going to school or playing in a soccer field or going out with friends to take part in the simplest of activities can result in death or grave injury because of munitions left in the ground.

Our country has in fact played a leading role over the years, internationally, in addressing this humanitarian impact of land mines. We continue to work with organizations, with other countries, to meet that standard and to play that type of leadership role on the international stage.

I mentioned some of the earlier commitments that we have made monetarily. Canada, for example, provided $16.8 million just two years ago to support victim rehabilitation, and clearance and capacity building in nine countries: Colombia, Afghanistan, Cambodia, South Sudan, Tajikistan, Libya, Jordan, Bosnia and Herzegovina, and Palau.

Dating further back, in 2007-08, our contribution was $51.4 million. That year we ranked third overall in our contribution.

These are just a few examples of how we remain deeply committed to this cause. We continue to elevate possible mine action projects that will deliver tangible results. Here at home, this is an opportunity for us to send a very clear signal of that commitment, by passing this legislation, by moving forward with the ratification of the convention. I would encourage all members to support that effort.

● (1540)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I appreciate the comments that the minister is attempting to put on the record, but it is not the issue of the substance of the bill.

What we should really be talking about is the attitude of this majority government and how that attitude has actually shifted. The direction we are going in is very negative. Canadians are becoming more and more aware how this Prime Minister, more than any other prime minister in the history of our country, tries to limit and prevent members of Parliament from being able to debate important issues that come before the House of Commons.

That is the issue. We have a government that has now introduced time allocation 45 times. It is unprecedented. It is limiting the abilities of individual members of Parliament to share their thoughts and their ideas, and hold the government accountable for the type of legislation that it is bringing forward.

It does not matter what the minister has to say about the legislation right now at this very moment. What we are concerned about is why the change in attitude. Why is the majority Conservative government not allowing members of this House to have due process on a wide variety of issues that are important to each and every Canadian?

My question is to the Government House Leader, not the minister. Why does the government continue to limit debate on a wide spectrum of legislation when Canadians have a right to have their members of Parliament standing in their place, being heard?

Hon. Peter MacKay: Mr. Speaker, I sense some degree of frustration on the part of the member. He stated that this is not the issue. The issue is in fact moving this legislation forward.

We feel it is a priority for our government. We feel that we need continued efforts, consistent with Canada's principled position on the world stage, to play an important role when it comes to the banning of munitions and the demining issue that Canada championed some years ago, one in which his party played an important role—

An hon. member: He left.

Hon. Peter MacKay: Oh, the member is no longer here.

In any event, the real issue is very much how we can progress on an issue as important as this and to move legislation. While it is not perfect, there are issues that could be taken with any bill on any issue. However, the reality is that we have an opportunity with this legislation that has received scrutiny in the other place, that has followed the process of legislation that comes from the Senate and that presents the opportunity to the House to move this bill forward.

We are proud of the negotiations in which Canada took part in the early days to bring about Canada's compliance and position. To remind the House, practically speaking this legislation would prohibit all possession of cluster munitions, including the stockpiling of any munitions in Canada, or cluster munitions belonging to states that are not parties to the convention.

This is a prohibition across the country that would bring Canada in line with its international partners. We do have cluster munitions, which we are now in the process of disposing. I will state for emphasis that we have not used them operationally. We have destroyed most of the stockpiles already. We are in the process of exploring the options to dispose of these final stockpiles. Practically speaking, we are well down the road when it comes to Canada's compliance.

The Deputy Speaker: The Parliamentary Secretary to the Minister of Foreign Affairs is rising on a point order.

Mr. Deepak Obhrai: Mr. Speaker, I want to go on the record to say that the Liberal member who asked a question immediately walked out. That shows his commitment to this question.

The Deputy Speaker: The parliamentary secretary is well aware that it is improper to note the fact of someone not being in the House.

● (1545)

[*Translation*]

The hon. member for Beauport—Limoilou for a question or comments.

Mr. Raymond Côté (Beauport—Limoilou, NDP): Mr. Speaker, the Minister of National Defence, like most of his colleagues, is trying to manipulate reality to his liking. I serve on the Standing Committee on Finance, and I have seen just how often the government chooses not to play by the rules. That is why it is imposing this 45th time allocation motion under false pretenses that are completely unfounded. The real problem is that the government is trying to impose its will from *a* to *z*, without listening to proposals from the opposition parties.

I want to speak briefly to the bill. The problem is not with the agreement itself; we are completely in favour of the agreement. The problem is that the bill undermines the enforcement of that agreement. Once again, as it did with the provinces and the health care agreement, for example, the government is trying to impose its will, to erode and sabotage perfectly valid agreements.

In a similar fashion, the government has turned a blind eye in other cases. It absolutely refuses to hear proposals from the opposition parties. Am I right to think that the minister will say the bill is perfect and that no NDP proposals will be received, debated, studied or considered by the government?

[*English*]

Hon. Peter MacKay: Mr. Speaker, I would not for a moment suggest that the hon. member's views on this important issue are somehow invalid or would not contribute to its improvement.

However, again, this legislation is now at a place before the House where we can move forward on an international convention that dates back to 2008. This is an occasion in which action, not words, is needed.

The legislation is not perfect. I have said that. Most bills that come before the House are not in a perfect form, yet here we have broad support. There are NGOs that are very much in favour of the legislation, calling on the government and the Parliament of Canada to move forward and allow us to ratify it and live up to our obligations. We have taken substantial steps to do that.

Again, I repeat that Canada has an opportunity to demonstrate continued leadership in the world, to show a forward-leaning attitude when it comes to an issue as important as the ban on land mines. I would suggest that gives us the moral authority to then approach many of our allies, who have not taken the steps that Canada has and who have not moved forward in demonstrating the same type of forward-leaning attitude.

We can say definitively to them that we have passed legislation in our country, that we have taken concrete action in moving forward with our own obligations and that we encourage them, our friends and allies, to do the same.

Mr. Mathieu Ravignat (Pontiac, NDP): Mr. Speaker, the member may not know this, but Earl Turcotte, former senior coordinator for Mine Action at DFAIT, was the head of the Canadian delegation to negotiate the convention. He also negotiated the convention on certain conventional weapons and the Convention on the Prohibition of Anti-Personnel Mines. He knows his stuff. He said about this legislation, that "the proposed...legislation is the worst of any country that has ratified or acceded to the convention [on cluster munitions] to date". What does the minister have to say about that?

Hon. Peter MacKay: Mr. Speaker, I would repeat that this legislation meets our obligations. This legislation would allow us to now ratify, as opposed to being on the sidelines and talking about it, as the NDP like to do incessantly.

We want to demonstrate action, movement forward, and progress. We embarked on this process in 2008.

An hon. member: What took so long?

Hon. Peter MacKay: Mr. Speaker, the member asks what took so long. We are standing here ready to make it happen, and as usual the member and his party want to block progress. They want to stand in the way of progress. They throw up their hands and say "it is not perfect" or "somehow it could be better". For want of a nail, a shoe was lost. For want of a shoe, a horse was lost. For want of a horse, a soldier was lost, a war, a continent. This is the classic NDP position. They want to hold up progress and seek the perfect, which may never come.

● (1550)

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, this is the classic Conservative stance. They bring forward a botched bill that has opposition, and they are trying to ram it through without the democratic debate that would strengthen it. That is exactly what Conservatives do.

This is the 45th time that the Conservatives have imposed closure. That is a record beyond belief. That is a record beyond even the corrupt Liberal regime in its dying days, with scandals left, right, and centre. The same thing is happening with the Conservatives. Even the Liberals did not impose closure as much as the Conservatives are doing now. They are showing total disrespect for Canadians, total disrespect for their own constituents.

The question is very simple. We have had 10 minutes of debate in the House on this legislation, and that was midnight on a Wednesday three weeks ago. We have had 10 minutes of debate. As the member for Ottawa Centre has said so eloquently, a whole bunch of problems were exposed with the bill after only 10 minutes of debate. That is really why the Conservatives have invoked closure and are trying to ram this through and shut down debate. This is typical Conservative attitude. They do not care about the problems with the bill. They do not care about the opposition. They do not care about Canadians. They are just going to ram it through. That is simply not good enough. Canadians deserve better.

Why can the Conservatives not do better and allow for debate on this legislation so we can improve what has been a pretty shoddy exercise in drafting?

Hon. Peter MacKay: Mr. Speaker, we see from that member the usual grandstanding, waving of his arms, the dramatic presentation that he so often brings to the House, the stepping into the aisle as if he is somehow being provocative and cool.

Canadians want to see actual results. They want to see legislation. They want to see their laws. They want to see their government. They want to see programs and projects advance. They do not want to hear endless debate.

The member says we have only had 10 minutes; the reality is that we have had since 2008. I do not know where the member was in 2008, but I can tell the House, as a minister in the government, that we knew then as we know now, that what is required is action. We do not require endless debate, the flapping of the gums, as the member is doing right now, and shaking his bushy head and showing what a cool guy he is. Canadians want action. They want to see movement. They want to see implementation. Canadians do not want to hear this wrangling and members suggesting that the government is offside with the international community.

We are now stepping in line with our colleagues and allies and trying to bring other countries to the position where we can ratify the convention, where we can start removing land mines and munitions from the ground that risk the lives of children. That member's blowhard talk over there is not going to save children. Moving on this legislation will.

Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Mr. Speaker, I am frankly disappointed by the attitude of the opposition. The Minister of National Defence has put this very eloquently. This is not a perfect piece of legislation, but the opposition would wilfully throw out the good in pursuit of the perfect.

This legislation is the result of an international consensus. This is Canada's opportunity to ratify what is an international consensus, but the NDP stands opposed to that.

My constituents would like to see this ratified. They would like to see these kinds of protections in place for people around the world who do not have the kind of protections that we in Canada take for granted.

Could the minister speak to that?

Hon. Peter MacKay: Mr. Speaker, there is an individual who seems to represent his constituents and the electoral constituency of Peterborough with clarity. He has a thoughtful approach that says, "Let's get things done. Let's show our ability to actually demonstrate action and leadership in the House of Commons".

In the last days of the House, I would suggest it would be very fitting to say to the world, "Look at what we have done on such an important issue". The Canadians Forces will similarly act. We are already taking steps, as I said earlier, to ensure that cluster munitions are in fact out of harm's way, out of the ability to be put to use. It is a Senate bill, of course, but it is here in our House of Commons. "Wake up and smell the thing", as my friend would say.

The legislation would preserve Canada's ability to work alongside our allies. It is legislation that would prohibit all forms and possession of cluster munitions, including stockpiling, as I mentioned before.

As a result of this and other actions we would take, the Canadian Forces would make it a policy to prohibit its members from using cluster munitions, including our members serving on exchange with allied armed forces. However, we have taken practical steps to protect interoperability and not stand in the way of our ongoing efforts. As we have seen in Afghanistan to date, we have the ability to work shoulder-to-shoulder with our allies in the completion and the work that is being done on behalf of Canadians who help bring about peace and stability in many of these forlorn countries.

● (1555)

[*Translation*]

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, I am pleased to be able to ask the last question. I would like to ask the minister how this bill can be considered urgent, given that it was introduced six month ago, on December 6, 2012.

The government is just now waking up. It allowed 10 minutes for debate on a Wednesday evening a few weeks ago. After 10 minutes of debate today, it says it has to limit the time for debate. The Conservatives do not even know if the opposition opposes it. In fact, we have not even had time to announce our position. They are already thinking that everyone is going to impede the process.

Earlier the minister said that most bills are not perfect. If that is really what he thinks, why not allow an open, rigorous debate to really identify what does not work in this bill in order to try to improve it?

[*English*]

Hon. Peter MacKay: Mr. Speaker, he has just said himself that he is not sure why there is urgency around this bill.

I would ask the member to read the bill and see the impact that this bill would have. I would like him to see the ability, the enabling of our country to move forward on legislation that represents Canada's effort going back to 2008. They say the bill has only been here for six months. The effort has been ongoing for years. I would suggest that the need has been around for decades, if not centuries. This type of indiscriminate cluster munitions could have devastating impact. Why would we want to have this kind of procedural wrangling?

He says we do not know what the opposition's position is going to be. We have heard clearly from members of the opposition in the last 30 minutes about their position. They want to pursue the perfect. They want to bring about amendments. They want to have further debate.

Let us wrap it up. Let us get it done. Let us pass the bill.

[*Translation*]

The Deputy Speaker: It is my duty to interrupt the proceedings and put the question necessary to dispose of the motion before the House.

[*English*]

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 yeas have it.

And five or more members having risen:

The Deputy Speaker: Call in the members.

● (1635)

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

(Division No. 749)

YEAS

Members

Ablonczy	Adams
Adler	Aglukkaq
Albas	Albrecht
Alexander	Allen (Tobique—Mactaquac)
Allison	Ambler
Ambrose	Anders
Anderson	Armstrong
Aspin	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
Findlay (Delta—Richmond East)
Flaherty
Fletcher
Galipeau
Gallant
Gill
Glover
Goguen
Goldring
Gosal
Gourde
Grewal
Harris (Cariboo—Prince George)
Hawn
Hayes
Hiebert
Hillyer
Hoback
Holder
James
Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)
Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)
Kent
Kerr
Komarnicki
Kramp (Prince Edward—Hastings)
Lake
Lauzon
Lebel
Leef
Leitch
Lemieux
Leung
Lizon
Lobb
Lunney
MacKay (Central Nova)
MacKenzie
Mayes
McColeman
McLeod
Menegakis
Menzies
Merrifield
Miller
Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)
Nicholson
Norlock
Obhrai
O'Connor
O'Neill Gordon
Opitz
O'Toole
Paradis
Payne
Poilievre
Preston
Raitt
Rajotte
Reid
Richards
Rickford
Saxton
Schellenberger
Seeback
Shea
Shipley
Shory
Sopuck
Stanton
Storseth
Strahl
Sweet
Toet
Toews
Trost
Trottier
Truppe
Tweed
Uppal
Valcourt
Van Kesteren
Van Loan
Vellacott
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– — 148

NAYS

Members

Allen (Welland)
Andrews
Angus
Atamanenko
Aubin
Bélanger
Bellavance
Bennett
Benskin
Bevington
Blanchette
Blanchette-Lamothe
Boulerice
Boutin-Sweet
Brosseau
Byrne
Caron
Casey
Cash
Charlton
Chicoine
Chisholm
Chow
Christopherson
Côté
Crowder
Cullen
Cuzner
Davies (Vancouver East)
Day
Dewar
Dion
Dionne Labelle
Donnelly
Doré Lefebvre
Dubé
Duncan (Etobicoke North)
Duncan (Edmonton—Strathcona)
Dusseault
Easter
Eyking
Foote
Fortin
Freeman
Fry
Garneau
Garrison
Genest
Genest-Jourdain
Giguère
Godin
Goodale
Gravelle
Groguhé
Harris (Scarborough Southwest)
Harris (St. John's East)
Hsu
Hughes
Hyer
Jacob
Julian
Karygiannis
Lamoureux
Lapointe
Latendresse
LeBlanc (Beauséjour)
LeBlanc (LaSalle—Émard)
Leslie
Liu
MacAulay
Mai
Martin
Mathyssen
May
McCallum
McKay (Scarborough—Guildwood)
Michaud
Moore (Abitibi—Témiscamingue)
Morin (Chicoutimi—Le Fjord)
Morin (Notre-Dame-de-Grâce—Lachine)
Morin (Laurentides—Labelle)
Mulcair
Murray
Nash
Nicholls
Nunez-Melo
Pacetti
Papillon
Péclet
Perreault
Pilon
Quach
Rae
Rafferty
Rankin
Ravignat
Raynault
Regan
Rousseau
Saganash
Sandhu
Scarpaleggia
Scott
Sellah
Sgro
Simms (Bonavista—Gander—Grand Falls—Windsor)
Sims (Newton—North Delta)
Sitsabaiesan
St-Denis
Stewart
Stoffer
Sullivan
Thibeault
Tremblay
Trudeau
Turmel
Valeriote– — 117

PAIRED

Nil

The Deputy Speaker: I declare the motion carried.

● (1640)

[*Translation*]

The Deputy Speaker: It is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Saanich—Gulf Islands, International Trade; the hon. member for Vancouver Quadra, Taxes.

* * *

[*English*]

TACKLING CONTRABAND TOBACCO ACT

Hon. Ted Menzies (for the Minister of Justice) moved that Bill S-16, An Act to amend the Criminal Code (trafficking in contraband tobacco), be read the second time and referred to a committee.

Mr. Robert Goguen (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, I am pleased to participate in the second reading debate on Bill S-16, An Act to amend the Criminal Code (trafficking in contraband tobacco). The bill proposes amendments to the Criminal Code to create a new offence of trafficking in contraband tobacco and to provide minimum penalties for imprisonment for persons who are convicted for a second or subsequent time of this offence.

To help reduce the problem of trafficking in contraband tobacco, the government committed to establish mandatory jail time for repeat offenders of trafficking in contraband tobacco in its 2011 election platform. The bill would fulfill that commitment.

There are no offences in the Criminal Code dealing with contraband tobacco at the present time. While there exists an offence of selling contraband tobacco in the Excise Act, 2001, that offence exists in support of our fiscal policy in the area of tobacco. This government believes that something more is required to deal with the problem that has become trafficking in contraband tobacco.

The proposed bill prohibits the sale, offer for sale, transportation, delivery, distribution or possession for the purpose of sale of tobacco product or raw leaf tobacco that is not packaged, unless it is stamped. The terms "tobacco product", "raw leaf product", "packaged" and "stamped" have the same meaning as in section 2 of the Excise Act, 2001.

The penalty for a first offence is up to six months imprisonment on summary conviction and up to five years imprisonment if prosecuted on indictment. Repeat offenders convicted of this new offence and where 10,000 cigarettes or more, or 10 kilograms or more of any tobacco product, or 10 kilograms or more of raw leaf tobacco is involved would be sentenced to a minimum of 90 days on a second conviction, a minimum of 180 days on a third conviction and a minimum of two years less a day on subsequent convictions.

In order to place this bill in context, it is important to describe the serious problem that has become the trafficking in contraband tobacco.

As members will recall, the contraband tobacco market first became a significant issue in Canada in the late 1980s and early 1990s. During that period, more and more legally manufactured Canadian cigarettes destined for the duty-free market began making their way back into the Canadian underground economy. The high retail price of legitimate cigarettes made smuggling them back across the border a lucrative illicit business.

The Royal Canadian Mounted Police and Canada Customs seized record quantities of contraband tobacco. The RCMP was also engaged in investigating this illegal activity at its source. These investigations eventually led to negotiated settlements involving several tobacco companies paying more than $1.5 billion in criminal fines and civil restitution.

However, the illicit tobacco market in Canada has rebounded in recent years and once again has become an acute problem.

Tobacco is not just a Canadian problem. The illicit trafficking of tobacco is a multi-billion dollar business worldwide today, fuelling organized crime and corruption and spurring addiction to a deadly product.

Last year smuggling experts, customs officials and diplomats of nearly 160 countries, including Canada, gathered in Geneva, Switzerland to finalize the development of what had eluded governments for decades, and that was an international instrument allowing for a global crackdown on the black market in tobacco.

Under the auspices of the World Health Organization Framework Convention on Tobacco Control, a global treaty to curb tobacco use, delegates worked to complete protocol to stop cigarette smuggling.

Illicit tobacco feeds an underground economy that supports many of the most violent actors on the world stage. Organized crime syndicates and terrorist groups facilitate global distribution and use the profits to finance their activities.

Perhaps even more troubling is the impact that smuggling has on the public health crisis caused by tobacco. Worldwide, one out of 10 adults dies prematurely from tobacco-related diseases such as lung cancer, emphysema, cardiovascular disease and stroke. If the trend continues to hold, tobacco will kill about 500 million people.

By 2030, that figure will reach eight million deaths a year and with cigarettes being heavily marketed in poor countries, 80% of those deaths will be in the developing world. Over the 21st century, an estimated one billion people could die from tobacco use.

In Canada today, illegal tobacco activity is primarily connected to illegal manufacture and not to the diversion of legally manufactured products as it was in the past. I should point out also that it includes, to a lesser degree, the illegal importation of counterfeit cigarettes and other forms of illicit tobacco from overseas.

● (1645)

Organized crime plays a central role in the contraband tobacco trade in Canada and that means this illegal activity is linked with other kinds of crime. Most of the organized crime groups across the country involved in the illicit tobacco market are also active in other forms of criminality.

The problem is further complicated by the international aspect of the illicit tobacco trade. Transnational crime of the type found in contraband tobacco smuggling is considered a threat to public safety and national security and has a direct impact on individual Canadians, small businesses and the economy. It also has implications for relationships with our international partners, especially the United States.

On this issue, I would like to point out that Canada and the United States share a long history of law enforcement co-operation across the border. Recent and ongoing threat assessments have identified that organized crime is the most prevalent threat encountered at the shared border. This includes significant levels of contraband trafficking, ranging from illicit drugs and tobacco to firearms, notably handguns, and human smuggling. In this regard, Canada and the United States have explored the concept of integrated cross-border maritime law enforcement operations. Joint maritime law enforcement vessels, manned by specially trained and designated Canadian and U.S. law enforcement officers, have been authorized to enforce the law on both sides of the international boundary line in the course of integrated cross-border operations.

The contraband tobacco market is driven largely by illegal operations in both Canada and the United States. The provinces of Ontario and Quebec have the highest concentration of contraband tobacco manufacturing operations, the majority of the high-volume smuggling points and the largest number of consumers of contraband tobacco.

The 2012 Criminal Intelligence Service Canada National Threat Assessment on Organized and Serious Crime in Canada identified 58 organized crime groups that were involved in the contraband tobacco trade throughout Canada, 35 of which were currently operating in central Canada. These criminals networks reinvest profits from the manufacture and distribution of contraband tobacco into other forms of criminality, including trafficking of illicit drugs, firearms and human smuggling.

Furthermore, the RCMP reports that violence and intimidation tactics continue to be associated with the contraband tobacco trade. Since 2008 and up to May 2012, the RCMP has laid approximately 4,925 charges under the Excise Act, 2001, and disrupted approximately 66 organized crime groups involved in the contraband tobacco trade throughout Canada. During that time period, approximately 3.5 million cartons, unmarked bags of cigarettes, were seized nationally by the RCMP, along with numerous vehicles, vessels and properties.

It is clear that the illicit tobacco trade is dominated by criminal organizations motivated by the lure of significant profits and relatively low risks. Enforcement actions are therefore directed at increasing the risks associated with contraband tobacco activities: dismantling illegal manufacturing facilities; disrupting distribution supply lines; apprehending key figures; confiscating conveyances such as trucks and boats; and seizing the proceeds of crime. These actions have the dual goal of disrupting the illicit flow of tobacco and weakening the organized crime groups involved in the production, distribution, smuggling and trafficking of contraband tobacco.

Contraband tobacco remains a serious threat to our communities and if left unchecked, organized crime will continue to profit at the expense of the health and safety of Canadians. Overall, the proposals in Bill S-16 represent a tailored approach to the imposition of mandatory minimum penalties for serious contraband tobacco activities. The bill proposes minimum penalties only in cases where there are certain aggravating factors present, such as a conviction for a second or subsequent time.

The Government of Canada recognizes that contraband tobacco smuggling is a serious problem. Canadians want to be protected from offenders involved in these contraband tobacco smuggling operations, which threaten their safety and that of their families. They also want to be protected from the violence that is associated with contraband tobacco activities.

Protecting society from criminals is a responsibility the government takes seriously. Accordingly, this bill is part of the government's continued commitment to take steps to protect Canadians and make our streets and communities safer. Canadians want a justice system that has clear and strong law that denounces and punishes serious crimes, including illicit activities involving contraband tobacco. They want laws that impose penalties that adequately reflect the serious nature of these crimes. This bill would do that.

● (1650)

[*Translation*]

Mr. Hoang Mai (Brossard—La Prairie, NDP): Mr. Speaker, I would like to thank the parliamentary secretary for his speech. He mentioned that it was an election promise the Conservatives had made a long time ago. We know that tobacco smuggling is a terrible problem in terms of public safety, health and lost revenue for the government. It was said that tobacco smuggling could benefit organize crime.

Knowing this and the problems it raises, what consultations has the government carried out on this bill, which will have a major impact on organized crime and the provinces? A number of provinces, including Quebec, have studied this issue. Before introducing the bill, did the government hold consultations not only with the provinces but also with the other levels of government and the first nations?

Mr. Robert Goguen: Mr. Speaker, the federal government always consults with the provinces, primarily at federal-provincial-territorial conferences. Clearly, crimes relating to cigarette smuggling are of concern to both the provinces and the federal government. The provinces are responsible for the administration of justice. Therefore, they must use their own resources to resolve this issue. Consultations are continuing, as always.

[*English*]

Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Mr. Speaker, this is a particularly important bill in my region.

My local health services, my county health unit and so forth, have come out in support of it. In Peterborough this week, for example, one of the local newspaper has taken this on as an issue. We are trying to prevent cheap cigarettes from getting to our school kids.

One of the deterrents that we have put in place to prevent people from becoming addicted to tobacco and then suffering the tobacco-related illnesses later in life is to make them cost prohibitive. Often these contraband cigarettes are exceptionally cheap. They undermine the tax system as well.

Setting that aside, we want to ensure we are preventing children from having access to tobacco. Could the member speak about the importance of doing that and why the government has brought in this bill in at this time?

Mr. Robert Goguen: Mr. Speaker, obviously the issue of contraband tobacco attacks Canada's initiatives on many fronts.

It attacks it on the health issue. It attacks it on the issue of gaining access to a dangerous product for many youth. The Department of Health has taken many steps to bring forward warnings of what the dangers of tobacco are, as well as hiding them behind screens when it comes to purchasing them or putting the grotesque warning signs on the packages. Those are the cigarettes that are distributed legally.

What can we do about cheap tobacco finding its way onto schoolyards at a very affordable price? It is a matter of breaking up this activity because it is bad for health. It also finances organized crime, which we know uses the funds, which it does not pay taxes on, to fuel its many activities, one of them being the trafficking in human beings.

It is a vicious circle when it comes to breaking up illegal activities. They are all very integrally tied. One of the them that seems to be harder to discern is tobacco. Tobacco is legal when it is sold under the rules and regulations of the Government of Canada. Therefore, how does one really tell, without looking carefully, whether a cigarette being smoked has been legally produced and sold versus one that has not?

● (1655)

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Mr. Speaker, there is no doubt that all Canadians should share the concern about contraband tobacco and keeping tobacco out of the hands of kids.

However, when we look at the record of both the Liberals and the Conservatives on this, probably the most effective thing that can be done is effective ports policing. When I talked to tobacco companies about this recently, they estimated that more than half of the contraband tobacco in our country came through the port of Vancouver from China and the fake was so good they even included excise stamps that looked legitimate.

In the 1990s, the Liberals eliminated the ports police in Vancouver and now the Conservatives have cut so far back on border services that my understanding is we do not check any containers coming into Vancouver unless we have a specific tip about a specific illegal substance being in that container.

Not providing resources has provided a much bigger loophole to drive contraband tobacco through than would have been the case before.

Mr. Robert Goguen: Mr. Speaker, I would add that in conjunction with the bill, there would be a special enforcement force of 50 specially trained RCMP officers who would be dedicated specifically to breaking up the contraband trafficking of illegal tobacco.

The hon. member heard me in my speech, I trust, talk about a specially trained joint marine force for the United States and Canada. It will have a customs mandate and will do cross-border verification within the marine context.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I agree that contraband cigarettes are a real problem. They are a threat in Canada, and they fuel organized crime.

I am wondering if the hon. member has any thoughts on the cuts to Canada Border Services Agency and whether we should not rethink those cuts. In terms of not just contraband tobacco but, obviously, contraband drugs, should we not bring back the canine crews that used to go through imports to Canada at the border to spot contraband tobacco, just as they can spot other illicit drugs?

Mr. Robert Goguen: Mr. Speaker, the Government of Canada has invested significantly in this area. In my speech, I noted that we are strengthening the perimeter not only in Canada but in North America. We are working jointly with the United States in enforcing our common security interests.

Of course, contraband is as present in the United States as it is in Canada, so we will continue to work with the United States, our very close partners, in strengthening security for both our countries. We will continue to invest significantly to break up trafficking in illicit cigarettes.

[*Translation*]

Mr. Jean Rousseau (Compton—Stanstead, NDP): Mr. Speaker, I will once again ask the same question that I have repeated several times.

Cutbacks at the Canada Border Services Agency, at the RCMP and in the special units have been detrimental to the fight against trafficking in weapons, cigarettes and even drugs. If the government keeps cutting these agencies' budgets, it will be impossible to fight crime, even by increasing prison sentences and so on, measures that have absolutely no impact in the field.

People need real resources. I have spoken to police officers on the front lines and that is what they have told me. The RCMP boats on Lake Champlain and Lac Memphrémagog have not been maintained and have been out of service for two years now. RCMP officers cannot even put their boats in the water to chase the boats that are crossing the lake with huge quantities of cigarettes.

It is impossible to fight crime without putting resources in the right places.

● (1700)

Mr. Robert Goguen: Mr. Speaker, we are continuing to invest in public safety.

As I said earlier, a new unit of 50 RCMP officers will be set up specifically to fight drug trafficking and cigarette smuggling.

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Mr. Speaker, a little while ago, my colleague from Brossard—La Prairie asked a question to which he did not receive a very precise reply.

When he asked whether there had been any consultations, the Parliamentary Secretary to the Minister of Justice replied that consultations were continuing.

Does that mean that no consultations were held before the bill was drafted? This happened, for instance, with Bill C-49, when the minister made the decision first and then consulted people about what should be done after the fact.

Mr. Robert Goguen: Mr. Speaker, the verb "to consult" can be conjugated in the past, present or future tenses and the noun "consultation" covers the past, present and future.

Mr. Hoang Mai (Brossard—La Prairie, NDP): Mr. Speaker, I am pleased to rise today to speak to Bill S-16, An Act to amend the Criminal Code, to tackle contraband tobacco.

As the parliamentary secretary said, contraband tobacco is a serious threat. The NDP takes this very seriously. We know that contraband tobacco has just as many repercussions for public health and safety as it does for lost tax revenues.

I will focus more on public health and safety a little later. To begin with, we have long been calling on the government to do something about this and to work with the communities that are affected by this the most. Unfortunately, when I asked the parliamentary secretary about this I did not get a very good answer.

My riding, Brossard—La Prairie, is close to the border. When I was campaigning in 2008, I was asked questions about contraband tobacco.

We want to study the bill further. We want it to be referred to the Standing Committee on Justice and Human Rights, of which I am a member, so that we can ask questions and see where this bill is coming from and where we can take it.

Let us be clear. We are not giving the Conservatives a blank cheque. We want to support the bill in order to truly get into the details, consult experts, witnesses and the public, and see what we can bring to it.

These are things that could be interesting to look at in the Standing Committee on Justice and Human Rights, on which I sit with our justice critic, the hon. member for Gatineau. We are already doing very worthwhile work there. I am talking about the committee in general. I am truly proud to be part of it.

My question to the parliamentary secretary was on consultation. This is a very important bill. We know that this is a major problem. However, far too often we have seen this government introduce a bill without having done any consultation. It is very important that the communities be consulted.

The bill must be examined in committee. When the Standing Committee on Justice and Human Rights receives a bill, we talk about some of the important aspects. We must ensure that the rule of law prevails and that the Constitution and the Canadian Charter of Rights and Freedoms are respected. In this case, we are talking about minimum sentencing. It is something that would be well worth looking into. It is also important that we listen to what the experts have to say.

As the hon. member for Compton—Stanstead clearly stated, there is a problem with regard to resources. The government is introducing a bill, but it is not providing more resources. On the contrary, in the most recent budget, the government made cuts to both police and border resources. That is a major problem. We also still have doubts about the consultation process.

The Conservatives have introduced a bill that will affect everyone —the provinces, the territories and aboriginal reserves—but they are not providing the resources needed to enforce it. That is something we are wondering about. We will have to look at this issue in more detail and examine it more closely.

Our public safety critic mentioned how important this issue is and the impact it could have. When we talk about smuggling, we sometimes think only about what is happening here. However, more and more contraband tobacco is coming from other countries. We need to look into that and take it into account.

Why should we work to combat smuggling? As I mentioned, the NDP supports the fight against contraband tobacco. It is a public safety issue.

I have here a report published by the RCMP in 2008, entitled the "Contraband Tobacco Enforcement Strategy", in which the RCMP states that it is very concerned about:

> ...the increased involvement of organized crime implicated in illegal tobacco activities...[Profits] from illegal tobacco products are also funding other criminal activities, such as drug and gun trafficking.

Knowing that tobacco smuggling is a gateway for organized crime, we must do something to address the problem. We spoke about the impact that this could have in terms of global security. We must combat smuggling, but as I mentioned earlier, we must also ensure that the committees have the resources they need.

● (1705)

I would like to take my hat off to the government, just the same, for one little thing that it has done. It announced the addition of 50 officers to the RCMP task force on tobacco smuggling. This is a step in the right direction. However, we have to take a broader look at the issue and consider the fact that contraband tobacco comes in through the port of Vancouver and across our border with the United States. An additional 50 officers is a good thing, but still we know budgets are being slashed and positions are being cut. We cannot be sure that the people are actually in the field. It is clear with these cuts that the government is not moving in the right direction.

The parliamentary secretary mentioned that smuggling is a public health issue, and we too are very aware of this. As we know, contraband or illegal tobacco costs less. We also know who is involved: it is young people, primarily, who cannot necessarily afford to buy the legal products that are more expensive. They will therefore try to buy contraband cigarettes. However, studies have shown that this increases smoking among young people. It is true that this is a major problem, a huge problem, and we have to do something about it.

One thing the parliamentary secretary did not talk about was the quality of the product. Contraband or illegal products may come in from other countries. As my colleague, our public safety critic, mentioned, some products have labels that look almost exactly like the labels on totally legal products. However, there is no quality control of contraband products. This is another aspect that must be considered when we look at the whole issue of illegal or contraband products. This is why the NDP wants to take action on this issue.

I also mentioned lost revenue. According to the Canadian Chamber of Commerce, since 2008, it is estimated that tax revenue loss resulting from sales of illegal tobacco products has fluctuated between $1.5 billion and $2.4 billion. This is a huge amount of money that could be used for other purposes. Once again, contraband products are linked to organized crime. The money goes into the criminals' pockets rather than being invested in social services or in programs that could be better managed. This is another reason why the problem must be tackled.

With regard to the bill itself, when RCMP officers talk about contraband, they are talking about any tobacco product that does not comply with the provisions of all applicable federal and provincial statutes. This includes importation, stamping, marking, manufacturing, distribution and payment of duties and taxes. They talk about a legislative framework for contraband tobacco that is not necessarily limited to what is proposed in Bill S-16.

Let us take a look at what currently exists, even before passage of Bill S-16. I am not sure that I agree with what the parliamentary secretary said. He said there is no instrument and that police forces cannot use certain laws. The opposite is true. First of all, offences are linked to contraband tobacco and offenders can be prosecuted under the Excise Act, 2001, or a number of general provisions in the Criminal Code. Under the provisions of the Excise Act, 2001, certain offences are already punishable by fines and prison terms of up to five years, so there already are some instruments. At the present time, the Criminal Code has no offence specifically related to contraband tobacco. However, all police forces can enforce the provisions of the Criminal Code. Consequently, by adding offences relating to contraband tobacco, Bill S-16 enables all police forces to take action on contraband tobacco.

What, specifically, does Bill S-16 do? It creates a maximum sentence of imprisonment for six months, in the case of a first offence, on summary conviction. It is imprisonment for five years in the case of an indictable offence. More specifically, it creates mandatory minimum prison sentences for repeat offenders—it is important to point this out—where a large volume of tobacco products is involved. This means 10,000 cigarettes or 10 kg of other tobacco products. To be precise, the mandatory minimum sentence for an indictable offence is imprisonment for 90 days for a second conviction, imprisonment for 180 days for a third conviction and imprisonment for two years less a day for subsequent convictions.

● (1710)

Contraband tobacco is a serious and grave problem that we have to tackle. The people watching us must understand the extent of the problem. According to a summary prepared by the Library of Parliament, a recent study found that national estimates range from 15% to 33% of the tobacco market being contraband, with greater percentages in Quebec and Ontario. This problem has been raised numerous times in my riding, not just by people I meet when I go door to door, but also by stakeholders.

Recently, in 2012, the Committee on Public Finance of the National Assembly of Quebec conducted a study on measures to counter the consumption of contraband tobacco, which found that in 2007, more than one-third of the cigarettes smoked in Quebec and Ontario were contraband and over 90% of these illegal cigarettes came from aboriginal reserves and lands.

The study report also discusses the issue of consultation, which I raised in my first question to the parliamentary secretary. There do not seem to have been any consultations done before the bill was introduced, and we have some questions about that. The lack of consultation is not surprising. I have seen this often since 2011, when I was elected, particularly in the Standing Committee on Justice and Human Rights. The Conservatives are not in the habit of consulting the provinces or aboriginal people, particularly when it comes to bills that directly affect them.

What we want to verify in committee, however, is that this government has done its homework in this regard. In Quebec and Ontario, for example, contraband tobacco is a major issue. Those provinces have been working on the problem for years. We want to make sure that legislation at the federal level will not run counter to what the provinces are doing already.

Consultations are therefore important, because there are provinces already working on this issue. In fact, the first recommendation in the 2012 report of the National Assembly of Quebec says just that. I am going to read it, because I think it is very important:

> That the Government of Quebec create a joint commission involving five parties, namely the governments of Quebec, Ontario, Canada and the United States as well as the Mohawk nation, to fight contraband tobacco and to develop an action plan dealing, among other things, with:
>
> A "win-win" agreement among the governments and aboriginal people to stop the large-scale tax-exempt sale of tobacco to non-aboriginal people.

In its pre-budget consultation brief to the Standing Committee on Finance, the National Coalition Against Contraband Tobacco also made the same recommendation and called for more co-operation on that front.

A 2009 report from the Government Task Force on Illicit Tobacco Products raised another point: first nations communities in particular need to participate and collaborate in all initiatives to combat the problem of contraband tobacco in Canada.

We must certainly ensure that any measures aimed at addressing the problem also include consultations with first nations, as well as the necessary resources. Fighting contraband takes resources. Reserves need police resources to manage the problem.

There is also a problem with border resources. My colleague from Compton—Stanstead gave a real-life example that proved that people in these communities do not have the funding or the tools they need to address this problem. When introducing a bill that is designed to tackle this issue, the government also needs to ensure that the resources will follow. That is true for contraband that originates in the United States and contraband from foreign countries.

● (1715)

[*English*]

My colleague, our critic for public safety, the MP for Esquimalt—Juan de Fuca, has mentioned to me that cuts to CBSA would not help. There are issues with contraband coming into the Port of Vancouver and not having resources to actually look into containers, not having the manpower to tackle that issue. That is a huge problem.

We did not see anything in this budget or the previous budget to ensure that we have the necessary resources to tackle that issue.

[*Translation*]

The NDP does not always oppose mandatory minimum sentences, which this bill provides for. We have supported this notion in the past, but we always have some reservations about it. We always need to ask ourselves whether this tool is really necessary. This issue really needs to be examined in committee, because it is important to look at the impact this can have on provincial prison populations and determine the additional costs, not only at the federal level, but also at the provincial and municipal levels. We also need to make sure the charter is being respected.

As I already mentioned, given that this bill came from the Senate rather than the government, once again, it bypasses the mechanisms that ensure that the charter is being respected. Unfortunately, that is a problem.

Coming back to some of the concerns raised regarding what the bill proposes, a report released by the Barreau du Québec states:

> Nothing in the report [the RCMP's 2011 to 2012 progress report on contraband tobacco] challenges the effectiveness or adequacy of the measures currently set out in the Excise Act, 2001, the Criminal Code or other provincial criminal laws for the purpose of prosecuting offences related to contraband tobacco.

It goes on to say:

> In fact, the RCMP did not make any recommendations regarding amending the legislation, and particularly the Criminal Code, which in its current form is already an effective tool that police officers can use to prosecute offences related to contraband tobacco.

These are some of the questions we are asking ourselves, and they need to be examined more thoroughly. That is why we want to send this bill to committee. We understand that it is very important to address contraband tobacco for public health and safety reasons, as I mentioned. All of these questions are crucial. Many people, including some of my constituents, have told me that we need to tackle this problem. However, we also need to look at the tools that are being used and the tools in this bill and go forward from there.

On an issue as important as this, one that involves amending the Criminal Code, it is really unfortunate that Bill S-16 had to come from the Senate, the other place, which is unelected. We have to wonder whether that is the ideal place to introduce such a bill.

As everyone in the House knows, the Senate is mired in scandal. We wonder how appropriate it is to introduce Senate bills in the House. Why go through the Senate? It is a good question that is hard to answer.

As far as civil society is concerned, I have met with people in my riding and I have also met with a number of groups, because this is a major problem. There is the National Coalition Against Contraband Tobacco and the Canadian Convenience Stores Association, which has been running a campaign on the ground for years.

These groups represent convenience stores and chambers of commerce. There is public support for tackling contraband. In my opinion it is essential.

They said:

> It is also important that all levels of government—including federal, provincial, municipal and first nations—meet this challenge...It is important that governments collaborate with aboriginal communities to find innovative solutions.

They are quite pleased that 50 RCMP officers are being assigned to this problem because that was one of their recommendations. This is a step in the right direction.

Resources and consultation are the problems. One thing is for sure: when the NDP forms the government in 2015, it will consult the public, including aboriginal communities, before introducing such an important bill.

● (1720)

[*English*]

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, I thank my hon. colleague for his very eloquent remarks on this bill. He ended his remarks by talking about consultation. Today is the fifth anniversary of the apology to first nations for the residential schools. We have seen no action on this issue, after five long years. First nations children are still being treated as second-class citizens and getting 30% less funding for their education because the Conservative government has not acted.

Can the member elaborate on the consultation with first nations peoples with respect to this issue of contraband tobacco? Certainly the current government is not one to consult with first nations or with provinces or with constituencies who are not automatically rubber-stamping their agenda.

[*Translation*]

Mr. Hoang Mai: Mr. Speaker, I would like to thank my colleague from Parkdale—High Park for her question.

That is in fact a question that should be asked. We know that there is a direct impact on the communities in this case. We want to examine this in committee to see who was consulted and how the consultations were done.

Some band councils, including the Kahnawake and Akwesasne band councils, have said they were not consulted about this.

We want to examine the bill and see what we can do.

We must not forget that the main recommendation by the National Assembly was to initiate a consultation to find a win-win solution.

Is Bill S-16 that win-win solution? We have to wonder. That is why we want to examine it in committee.

[*English*]

Mrs. Shelly Glover (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, this bill is about contraband tobacco. It is something that I know, in my 19 years as a police officer, was quite substantially a problem in Manitoba where I am from.

I am quite disturbed by the question put forward just a moment ago by the member from the NDP with regard to aboriginal people. Contraband tobacco actually does harm aboriginal people, particularly in Manitoba.

When that member says that this government has not taken action on things like the apology to the residential school survivors, she has misspoken. That member has unequivocally been dishonest about that. The Truth and Reconciliation Commission has worked very hard. This government has provided funding to ensure that the victims of that terrible tragedy have had the benefit of being able to move forward. Of course we did that because it was the right thing to do. I want to correct the record for those at home who care intimately about this issue, as I do.

I want to ask the member opposite, who is supposed to be speaking about tobacco, how the tobacco that is coming to our communities as contraband negatively impacts our communities, especially, for example, our convenience store owners; that includes aboriginal convenience store owners.

● (1725)

Mr. Hoang Mai: Mr. Speaker, I agree that it does have an effect on our community and it has an effect on our children. When we talk about contraband also helping organized crime and when we talk about contraband tobacco coming from other countries, that is definitely an issue.

Where I do not agree with what my colleague has mentioned is the fact that nothing seems to have been done in terms of consultation with first nations regarding this bill. That was the number one recommendation from a study from the National Assembly of Quebec. It was put forth by the coalition to have a conversation and a collaboration where everyone would sit down to try to find a solution where everyone wins, instead of just coming up with a bill. From what I understand, first nations have not been consulted. We want to ensure that there is an ongoing conversation. However, so far, from what we understand and have seen in terms of meeting with first nations, most of them have not been consulted.

We definitely want to find solutions. If it is important for the current government to actually help first nations, why are the Conservatives not giving the resources for first nations to police on the reserves, so that they actually tackle the real issues? Having a bill does not always help, if they do not have the resources.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, in reference to what the hon. member for St. Boniface just said, one of the first cuts under the current administration was the elimination of the program on first nations reserves to deal with tobacco addictions. That was very poorly received by a lot of chiefs, who spoke to me about it.

We also know that the Ontario government has taken the approach of consulting with the community at Kanesatake and Kahnawake to set up a co-operative program.

It strikes me, from the remarks of my hon. colleague, that the federal approach of imposing the bill, as much as we would all like to see the end of illegal activity in contraband tobacco, may not have the desired effect if there has been no effort at co-operation first. I would like his comments on that.

Mr. Hoang Mai: Mr. Speaker, that is why we want to look at it at committee, to see what has been done and the solutions that have been proposed. We all know we need to tackle the issue of contraband, but we want to know whether Bill S-16 is the right tool to tackle the issue.

There are a lot of questions in terms of what consultation there was before coming up with the bill. We want to also hear from experts. We want to hear from people who are in the business and are dealing with this problem on whether this bill is what they need. That is why we want to study it at committee.

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, I recall announcing the intention to introduce this legislation during the last election campaign, with the support of convenience store owners in Canada, particularly the Canadian-Korean convenience store owners whose businesses have been ravaged by the huge flow of illegal contraband cigarettes. I know they will be very disappointed to hear the NDP's opposition to the bill.

As with any effort such as this, the NDP members always have a useless process objection. They want more consultation. My question is, consultation with whom exactly? They talk about Kahnawake. We know there is massive, widespread, multi-million-dollar, hugely profitable criminal smuggling happening in some of these places. Is he suggesting that we should consult with the smugglers?

[*Translation*]

Mr. Hoang Mai: Mr. Speaker, in my opinion, the minister's attitude clearly demonstrates the arrogance of the government. On the question of consultations, a study was done. The National Assembly of Quebec, a government, recommended working not only with the first nations, but also with the federal and provincial governments and the Government of the United States. That clearly demonstrates that the Conservatives do not want to hear anything, that they are following their ideology and imposing their own vision.

● (1730)

[*English*]

The Deputy Speaker: It being 5:30 p.m, the House will now proceed to the consideration of private members' business, as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

[*English*]

POPE JOHN PAUL II DAY ACT

The House proceeded to the consideration of Bill C-266, An Act to establish Pope John Paul II Day as reported (without amendment) from the committee.

The Deputy Speaker: There being no motions at report stage on this bill, the House will now proceed without debate to the putting of the question of the motion to concur in the bill at report stage.

Mr. Wladyslaw Lizon (Mississauga East—Cooksville, CPC) moved that the bill be concurred in.

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

Some hon. members: Agreed.

Some hon. members: On division.

(Motion agreed to)

The Deputy Speaker: When shall the bill be read a third time? By leave, now?

Some hon. members: Agreed.

Mr. Wladyslaw Lizon moved that the bill be read a third time and passed.

He said: Mr. Speaker, I am pleased to speak today on Bill C-266, which calls on Parliament to designate April 2 of every year as Pope John Paul II day.

John Paul II served as Pope of the Roman Catholic Church from October 16, 1978 until his death on April 2, 2005. He played an influential and vital role in promoting international understanding, peace-building and helping to defeat communism in central and eastern Europe. He was a remarkable man of many accomplishments and has left a permanent mark upon the world.

There were unfortunate events that took place in his lifetime. He had just turned 19 when Nazi Germany invaded Poland in September 1939. During those years of war, he began his studies in Krakow but was forced to suspend them for a year of compulsory labour for the state. He later returned to his studies while working in a quarry and then in a factory. We can only imagine what he went through.

In 1942, aware of his call to the priesthood, he began courses in a clandestine seminary. After the Second World War, he continued his studies and was ordained into the priesthood on November 1, 1946.

Much of the future Pope's life as a cleric was lived under Communist rule in Poland. While he rose through the ranks of the Catholic hierarchy, he refused to compromise or accommodate demands made by the Communist government. As archbishop and later a cardinal, he had to engage in a very delicate balancing act. His opposition to Communism and government repression was an undeniable but subtle path in encouraging and promoting greater loyalty to the Catholic Church, as an alternative to the government itself. He promoted the ideas of freedom and liberty without directly attacking the government.

In 1978, John Paul II made history by becoming the first non-Italian Pope in more than 400 years. As the leader of the Catholic Church, he travelled the world, visiting more than 100 countries to spread his message of faith and peace. One of the most significant and memorable features of John Paul II's papacy was perhaps his battle against Communism. After he was elected Pope, in 1978, one of the first things he did was to end his predecessors' accommodationist attitude toward Communism and Communist nations.

In June 1979, Pope John Paul II returned home to Poland as the first Roman Catholic pontiff to visit a Communist-ruled country. Standing in front of a million Poles in Warsaw, he was welcomed with 14 minutes of unabated applause from the entire crowd. He told them not to be afraid. The message was a call to action.

The Pope's visit was seen as inspirational to many Catholics in Poland who felt they were no longer alone. Many were deeply opposed to the country's Communist government. This trip uplifted the nation's spirit and sparked the formation of the Solidarity movement in 1980, which later brought freedom and human rights to his troubled homeland.

Many consider this visit to be a pivotal moment that eventually led to the fall of Communism in eastern Europe. Like the first in a row of dominoes, Poland's relatively peaceful transition to democracy led to wholesale change throughout the region over the next year. This set off a chain of events that led to the fall of the Berlin Wall in 1989 and Mikhail Gorbachev's acquiescence to the dissolution of the Soviet Union in 1991. Gorbachev himself stated that the fall of the Iron Curtain would have been impossible without the Pope.

● (1735)

The pope's defence of peace, human rights and freedom also extended beyond his native country and the Catholic church. John Paul II's criticism of dictators—Alfredo Stroessner of Paraguay, Augusto Pinochet of Chile and the Philippines' Ferdinand Marcos—encouraged opposition movements that led to their eventual downfall.

In 1998, he travelled to Cuba and met with Communist leader Fidel Castro. Thousands of people received him in the capital of Havana. The pope did not hesitate in asking that Cuba be opened to the world and the world opened to Cuba. He also condemned the U. S. embargo against Cuba and its adverse effects on the poor. He urged the Roman Catholic Church to take a courageous and prophetic stance in the face of the corruption of political or economic power and to promote human rights within Cuba. It was a five-day visit in which the pope helped to plant a seed of freedom and helped thousands reaffirm their faith.

He defended democracy before the European Parliament by supporting the arrival of the democratic movement against the regime in the Philippines. He worked for peace with various countries, urging them to negotiate and find common ground. This was the case in a variety of situations, including Chile with Argentina, Israel with Palestine, and even our neighbours the United States, with Iraq.

We have had debates in this House at second reading of this bill and then the bill went to the Standing Committee on Canadian Heritage. I would like to make it very clear that this is not a religious bill. This is not a bill to aid or promote one religion over another or give a special recognition to one particular Pope.

As I have already mentioned, this is a bill to recognize Pope John Paul II's legacy, which goes well beyond his role in the Catholic church. He stood for religious tolerance and freedom, and he spent a great deal of time encouraging interreligious dialogue. To me, this represents a big part of what it means to be Canadian. Pope John Paul II proved that nothing is impossible. He stood up for populations that were oppressed by totalitarian regimes. He will be remembered for his role in the collapse of several stifling dictatorships, and for the way he inspired peaceful opposition to Communism in Poland, leading to its eventual collapse in central and eastern Europe.

In 2004, former American president George W. Bush presented the Presidential Medal of Freedom, America's highest civilian honour, to Pope John Paul II. The president read the citation that accompanied the medal, which recognized “this son of Poland” whose “principled stand for peace and freedom has inspired millions and helped to topple Communism and tyranny”.

After receiving the award, John Paul II said:

> May the desire for freedom, peace, a more humane world symbolized by this medal inspire men and women of goodwill in every time and place.

There was one Soviet leader who sought out and received an audience with Pope John Paul II. It was Mikhail Gorbachev, the first and last president of the Soviet Union. The audience took place in 1989.

● (1740)

In an interview Gorbachev gave to Radio Free Europe on April 8, 2005, he said, almost a week after the Pope's death:

> Now we will say that the pope was simply an extraordinary man. And one of the most extraordinary qualities of the pope was that he was a devoted servant of the Church of Christ. And, finally, as the head of state of the Vatican, he did a lot, using his opportunities along these lines, he did a lot to prepare for the end of the Cold War, for the coming together of peoples. He did a lot to remove people from the danger of a nuclear conflict. He was a man who used his high position—I'll speak bluntly—in the best possible way. He was [a man] who did not put political calculation at the center, but who made his judgments about the world, about situations, about nature, about the environment, based on the right to life, to a worthy life for people and on the responsibility of those people for what is gong on in the world. I think that there has never been such an outstanding defender of the poor, the oppressed, the downtrodden in various cases and in various situations, either historically speaking or in terms of ongoing conflicts. He was a humanist. Really. A Humanist with a capital H, maybe the first humanist in world history.

It took great courage and resolve to oppose the Communist forces and fight for a better way of life for Europeans and indeed people across the world. Designating April 2 as Pope John Paul II day would allow Canadians to reflect on the courage and compassion shown by this great man. I would ask everyone to join me today in supporting this very special commemoration of Pope John Paul II. As many Canadians honour, admire and try to emulate him, let us set aside a special day to consider him and his works.

Mr. Craig Scott (Toronto—Danforth, NDP): Mr. Speaker, I would like to ask the hon. member a question. There was something he emphasized that I thought was very important, which was that this is not intended to be a bill to celebrate any particular religion or single out any particular pope. A lot of the description of what Karol Wojtyla did over the years before he passed away went way back into his period in Poland.

I am wondering whether the hon. member ever gave any consideration to simply calling this Karol Wojtyla day, to recognize that it was not specifically about a religious figure and to recognize everything this figure did well before he became pope.

● (1745)

Mr. Wladyslaw Lizon: Mr. Speaker, I do not quite understand why we should be afraid to designate a day for a man who, we cannot deny, was a leader of the Catholic church.

As I mentioned in my speech, he was a big part of the change in the world that we enjoy today. We cannot change history. We cannot change the fact that he was a leader of the Catholic church, but, as I mentioned in my speech, he went well beyond it.

I had the honour to experience a good part of it myself when I entered into the Solidarity movement. I would like to mention one thing that I did not mention in my speech. The Communist regimes in the Soviet Union and other countries saw him as a danger. That is why on Wednesday, May 13, 1981, at a general audience in St. Peter's Square, there were gunshots, and the pope was shot so seriously that he almost lost his life.

It was not a coincidence. Let us all remember this, and let us remember that the world we enjoy today is much different from the world we had 30 years ago.

Mr. Frank Valeriote (Guelph, Lib.): Mr. Speaker, the member for Mississauga East—Cooksville mentioned he himself had spent some time in the Solidarity movement, and it was quite courageous of Pope John Paul II to embrace the notion of non-accommodation.

I am wondering if the hon. member could describe from his own experience the inspiration that Pope John Paul II meant to people like the hon. member and others in that Solidarity movement that eventually brought the end to Communism.

Mr. Wladyslaw Lizon: Mr. Speaker, the inspiration came right at the first visit of the Pope. When he told people not to be afraid, I do not think it was fully understood at that time. It came with time. It came as a wave that pushed people for a change.

Why did he say not to be afraid? It was because fear was the tool used by Communism to keep people under control.

He helped people to lose that fear, and that is what led to huge changes. That was what led to the chain of events that ended with the fall of the Berlin Wall and the dissolution of the Soviet Union.

New countries, democratic countries, appeared on the map of the world. We have a much different world. We no longer have a Cold War. It is a world that we did not imagine we would have 30 years ago.

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, I understand that some members have raised concerns about honouring a man because he was also a spiritual religious leader.

However, since I have been in this place, I recall a New Democratic Party motion that received unanimous consent, recognizing the Five Ks of the Khalsa of Sikhism. I recall a motion from a Liberal member of Parliament, which received unanimous consent, recognizing Islamic History Month. I recall a motion that I had a measure in proposing that received unanimous consent, asking the government to grant honorary citizenship to His Holiness the Dalai Lama, who of course is an important Buddhist religious leader. A similar motion received unanimous consent to grant honorary Canadian citizenship to His Highness the Aga Khan, an important Muslim religious leader.

John Paul II, of course, received the Congressional Medal of Honour from the United States, a country in which the separation of church and state is an essential principle.

Would my friend from Mississauga East—Cooksville not agree with me that these ought not to be concerns, that we have indeed recognized spiritual traditions and leaders in this place before and that therefore it ought not to be an objection in this instance?

● (1750)

Mr. Wladyslaw Lizon: Mr. Speaker, of course we should not be afraid to name a day after a church leader, because it does not recognize him as a pope but for his achievements for the world, for peace in the world and for people coming together.

[*Translation*]

Ms. Manon Perreault (Montcalm, NDP): Mr. Speaker, I rise today to support Bill C-266, which would establish Pope John Paul II Day.

I am well aware that this is a sensitive topic and opinion is divided when it comes to recognizing the good actions of a religious man of such importance in the Roman Catholic Church.

However, it must be acknowledged that through his social actions, Pope John Paul II touched the hearts of many people of all religious beliefs. We must not forget that he was behind the first international interfaith meeting in Assisi in 1986. On that occasion, he brought together over 190 religious leaders.

John Paul II has been recognized as an ambassador for world peace. He did not hesitate to meet with numerous leaders of various countries, often political opposites, with the aim of promoting dialogue among nations. I cannot fail to mention the fact that John Paul II was nominated for the Nobel Peace Prize because of the important work he did to end Communist oppression in eastern Europe.

I would like the House to consider for a moment the riding I represent, Montcalm. A number of Catholic community organizations are putting all their efforts into building an increasingly caring and vital community. I am thinking of Clarence Thériault, grand knight of the Knights of Columbus in Sainte-Julienne, who talks openly about his Catholic religion and is proud of his work with the Fabrique de Sainte-Julienne.

The religious communities that have been here for generations have a very proud history in this country. I need only think of the sisters of Horeb Saint-Jacques, like Sr. Carmelle and Sr. Jeannine, and the fine work done by Diane Lafontaine, a woman committed to justice and service, and all of the others who devote their time and energy to working for no material gain.

I would also like to mention a friend of the family, Paul Léveillé, the priest in charge of the parishes of Sainte-Marie-Salomé, Saint-Jacques, Saint-Liguori, Saint-Alexis and L'Épiphanie. Paul has been a friend for many years. In fact, he will celebrate the 40th anniversary of his life as a priest this year. If you are watching, Paul, congratulations. I have to say that Paul is a mainstay, not just for practising individuals, but also for young people.

My husband and I occasionally attend Sunday services and have the opportunity to meet older people who live in the riding of Montcalm. Even today, those people still have an enormous amount of affection for the man they describe as a uniting force, a very generous man who was close to the people. When I hear about Pope John Paul II, I inevitably think of the good people whom I have met in my community and in my life and who know this historic figure and have great respect for his good and altruistic works.

When we talk to people of the previous generation, they tell us that Pope John Paul II was their Pope, the one who was extremely involved in public life and who left an indelible mark on every major event in the late 20th century.

The role he played in putting an end to the racist government of South Africa and in bringing down the iron curtain in eastern Europe is well known. In addition, Pope John Paul II, who was born in Poland, was an important figure in the fall of Communism in his home country. He is loved and highly respected by the Polish and Catholic communities.

The role he played in ending the military regimes in Latin America and his opposition to the war in Iraq gave him political importance. His interest in extending a hand to groups that the church had harmed in the past also gave him a significant amount of social importance.

Just before he died, there was great pain throughout the Catholic community and an equal reaction among non-Catholics. He was, at the time, an almost permanent fixture in world affairs and in Catholics' minds.

He was a good man, it must be said, but a complex one. He was an important player on the world stage. He was important to the people of Montcalm and to those of Mississauga East—Cooksville.

Pope John Paul II is an important figure in the history of the 20th century.

His presence, like that of many historical figures, could draw praise as well as criticism. I would prefer my remarks to be positive and therefore I choose to focus on the praise. Although probably better known for his role in connection with the Solidarity union in Poland and for the fall of the iron curtain in eastern Europe, he was also an important player in the fall of the military dictatorships in Chile and Paraguay and the racist government of South Africa.

● (1755)

Sometimes it is difficult to understand why it is important to strive for a better future and fight for the change that has to happen before that future can be achieved. Pope John Paul II truly understood that an inclusive democracy was the key to a better future. What is more, unlike the current government, he immediately opposed the war in Iraq. He said: “War is not always inevitable. It is always a defeat for humanity.”

This is the same person who refused to fire his rifle during his mandatory military service in Poland. Furthermore, unlike our current government, he believed in basic science, evolution and climate change.

In the message he gave on World Peace Day, he said:

> The ecological crisis reveals the urgent moral need for a new solidarity, especially in relations between the developing nations and those that are highly industrialized.

He also added, “I wish to repeat that the ecological crisis is a moral issue.”

Pope John Paul II also had a special relationship with Canada. He visited our country on several occasions, including in 2002, when over 500,000 young people gathered in a Toronto park for World Youth Day, which is commonly known as WYD. Pope John Paul II created WYD to encourage young people to participate in community development.

It is sometimes difficult to understand the actions of a person who, in all honestly, had very little power. He did not have a tank or a plane; yet he refused to use the only weapon he was given because he firmly believed that respect for human life is paramount. His actions had a profound impact on people from all walks of life, from all countries and from all religions. His time as Pope, which was marked by open-mindedness and co-operation with other religions, was anchored in tradition and a strong cultural attachment.

However, we can say that in many ways his struggle mirrored that of our party, the NDP. My colleagues will understand why I say this. During a visit to Haiti in 1983, he spoke to Haitian Christians about the importance of democratic accountability and freedom, in addition to addressing Duvalier's corrupt government. He talked to the crowd about a series of policy issues that could have been taken from an NDP policy book. These issues included having the opportunity to get enough food, receive proper care, find safe housing, go to school and find an interesting and well-paid job. In short, he talked about everything that provides a better quality of life for men and women, youth, the elderly and workers.

I would like to ask my colleagues on the other side of the House to vote in line with us when we put these policies on the table. I would also ask them to stop being so closed-minded.

Pope John Paul II was a symbol of freedom and change. He was recognized for his humility when he publicly apologized for the role the church played in more than 100 historical wrongs.

I truly believe that John Paul II deserves a day that not only celebrates his work as a religious and spiritual man, but also celebrates this great man who had but one mission and one vision: to ensure that universal peace reigns in the hearts of all nations.

To conclude, I will just reiterate that Pope John Paul II is an important figure in Roman Catholic history. He was nominated for the Nobel Prize in 2004 and spoke out against oppressive measures in eastern Europe and many other countries. Pope John Paul II was committed to peace and dialogue between different religions.

For all these reasons, I will support this bill.

● (1800)

[*English*]

Mr. Frank Valeriote (Guelph, Lib.): Mr. Speaker, I am pleased and humbled to have an opportunity to rise and support Bill C-266.

I was proud to support the creation of a day honouring Pope John Paul II when it was first brought forward in the last Parliament by my colleague Andrew Kania, then the member of Parliament for Brampton West, and I am certainly thankful that the bill was reintroduced in this Parliament by the hon. member for Mississauga East—Cooksville.

Even in this day and age, it is impossible to deny the significance and impact of the pope, not just in religious life but also in international affairs. Just look at the amount of coverage that resulted from the retirement of Pope Emeritus Benedict XVI and the election of Pope Francis. Roman Catholic or not, the world was captivated both by the process and by the pending impact of whomever was elected.

Coming of age in a traditional Italian-Canadian family in Guelph meant that the pope and the leadership of the Roman Catholic Church played a significant role in our day-to-day lives, yet few popes played so large a role as the man who was born Karol Józef Wojtyla in Wadowice, Poland, in 1920.

More than just a religious leader, he was a political figurehead and a light to the many millions oppressed by communism across Europe in the midst of the Cold War, one so significant that Russia's KGB considered his championship against Communism a major threat.

As a young man studying for the priesthood in secret, outside the watch of the German forces occupying Poland during the Second World War, he developed a keen sensitivity to the oppressive impact of totalitarianism and within that saw first-hand the need for humble service and compassion in the face of terror and brutality. Very early, he allied himself first and foremost with the people he served.

Very early in my life, my parents instilled in me an understanding of the value of servant leadership, a powerful notion that genuine fulfillment in life is found first and foremost by being of service to others.

It was this great yet humble young priest who understood this and, in fact, put it best, when he said that a person "can fully discover his true self only in a sincere giving of himself". This same priest made his apostolic motto when he was elected to the papacy "*Totus Tuus*", which translates into English from Latin as "totally yours".

I was always reminded, in attempting to understand this model, the example set by St. Francis of Assisi, who, in his namesake prayer, asked to be made an instrument of peace, to understand before being understood, that the emptiness of hatred might be filled by love and injury forgiven. Doubt is replaced by faith, despair by hope, darkness by light, and sadness by joy. Quite frankly, and regardless of faith or creed, this should be a touchstone to which we all aspire when we run for public office. We must aspire to be agents of positive change in the lives of others and in the lives of our children and grandchildren and all of the people around us whom we both lead and serve.

As a priest, later bishop, then cardinal and finally pope, John Paul II was just such an instrument of peace and a beacon for those under terrible oppression. His role in bringing about the end of communism, particularly in Poland, in conjunction with the Solidarity movement, cannot be underestimated.

In fact, noted historian Timothy Garton Ash pointed out that "Without the Pope, no Solidarity. Without Solidarity, no Gorbachev. Without Gorbachev, no fall of Communism".

Former Soviet leader Mikhail Gorbachev himself said that the Iron Curtain's collapse would not have been possible without John Paul II's intervention. What an almost incalculable contribution Pope John Paul made to world peace and the pursuit of human dignity that accompanies human rights.

Recognizing his role as a builder of bridges between groups and communities across the world, he once said, "I wish to make an earnest call to everyone, Christians and the followers of other religions, that we all work together to build a world without violence, a world that loves life, and grows justice and solidarity".

● (1805)

Bearing witness to this commitment, it was under his papacy that a pontiff first made an official visit to a synagogue when he visited the Great Synagogue of Rome in spring 1986. He again made history 14 years later when he visited the Western Wall in Jerusalem, where he quietly deposited a prayer for forgiveness for the terrible actions against Jews that had caused them so much suffering. Similarly, John Paul II made great efforts to bridge divides between Catholicism and Islam as the first pontiff to enter and pray inside a mosque.

Much of his work as pope was done in the hope of fostering religious tolerance and greater understanding between sects and denominations across the world. He was as much an ambassador of the good will he wished to promote as the leader of billions of Roman Catholics across the world.

Even in his later years, there was no question that people young and old were drawn to him. On one of his many trips to Canada, he travelled to Toronto for World Youth Day in 2002, drawing a crowd of 800,000 people to Downsview Park. In an age when engagement, particularly youth engagement, is in decline and people are identifying less and less with any religion, it was a powerful and telling testament to his position as a peacemaker and his influence as a leader.

While it was my faith and my Catholic education that informed many of my opinions of him while growing up, it was a clear and inarguable understanding of his accomplishments that can lead even a non-Catholic observer to the conclusion that he is among the greatest humanitarians of the 20th century. Father Frank Freitas, pastor of St. Mary of the Visitation Church in Cambridge, shared the following observation with me:

> Blessed John Paul II emerged on the world scene not as a political force but a force for good. Over and over he seemed to echo the words, "be not afraid; do not give in to discouragement". This message was not purely a religious one, but a totally realistic one. It was not solely for those who were finding it hard to believe, to trust or to walk in faith, but it was for all who were seeking, even on the world stage of leadership, to do what was right and good. His international interventions contributed to freedom for many who were oppressed. He sought by the power of his convictions to lead, not unaware of the struggle but unwavered by it. To lead without fear can be difficult when parts of the world, even today, seem to operate with a lack of the basic moral standard of human dignity, when innocence is removed by war, famine, hardship and suffering. Yet Pope John Paul's life message, as relevant today as it was when first proclaimed in 1978, crosses religious lines to enter as a straight line to the heart of all of us, especially those in leadership—do what is true; stand up for what is right, proclaim what is just, be a standard bearer for what is good, testify to what is fair, and do not be afraid.

Pope John Paul II was a man of courage and humility and deep internal strength, all spawned and nurtured by an even deeper faith. His model was one that men and women of all backgrounds, when seeking to lead, should aspire to follow. He was as strong a communicator in his actions as in his words, by giving proof of the better path we should all follow to build a better world in which to live.

I think it is only fitting, and I am sure that everyone in this esteemed House agrees, that we offer his as a model for future generations and memorialize our recognition of his work by commemorating him on April 2 every year, the anniversary of his passing.

● (1810)

The Acting Speaker (Mr. Bruce Stanton): Resuming debate.

Accordingly, I ask the hon. member for Mississauga East—Cooksville for his five-minute right of reply.

Mr. Wladyslaw Lizon: Mr. Speaker, I am very emotional at this moment. I never imagined that I would have the opportunity to introduce this bill and that it would come to this point.

I would like to first thank the Minister of Canadian Heritage and Official Languages and his parliamentary secretary for their support, the committee of Canadian heritage for its work, and of course all hon. members of this House who took part in the debate on this bill. Whether they spoke in support of or against the bill, I truly value their opinion, as would the late pope because he listened to everybody equally.

I would also like to give special thanks to Father Janusz Blazejak, Father Marian Gil and Father Adam Filas, for their support and encouragement, as well as to Frank Klees, Chris Korwin-Kuczynski and Marek Kornas for their work to promote this idea.

Many thanks to my constituents and people from across Canada who contacted me, voicing their opinion on the bill, many of whom were in support of it and some who had different views than me. However, we live in a democratic country where all of the views of people and their opinions should be listened to and considered.

Therefore, in conclusion I would like to thank all members of this House for their support. I am asking them all to vote in favour of this bill.

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

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Bruce Stanton): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Bruce Stanton): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Bruce Stanton): In my opinion the yeas have it.

And five or more members having risen:

The Acting Speaker (Mr. Bruce Stanton): Pursuant to an order made on Wednesday, May 22, a recorded division stands deferred until Wednesday, June 12, at the expiry of the time provided for oral questions.

GOVERNMENT ORDERS

[*English*]

PROHIBITING CLUSTER MUNITIONS ACT

The House resumed from May 29 consideration of the motion that Bill S-10, An Act to implement the Convention on Cluster Munitions, be read the second time and referred to a committee.

Mr. Paul Dewar (Ottawa Centre, NDP): Mr. Speaker, I rise today to speak to a bill that was introduced in this House literally at midnight very recently. Bill S-10, as it indicates, comes from the Senate. Here we go again.

I mentioned in my comments responding to the government's closure motion, which is the 45th time the government has brought in time allocation, we should have debated this bill thoroughly and been given a chance for close examination of it for two reasons. It is extremely important because it is about an international treaty we signed on to in 2008. It is a bill that has been sitting around with the government for quite a while, but its origins were in the Senate. It is problematic that we have an unelected body yet again having the first go at legislation. It is wrong, and in this case, it has undermined the treaty that we signed. I will explain that in a minute.

We have to take issue in this House when bills come from the other place, because it is up to us to deal with bills as elected members to start with.

Mr. Speaker, I ask for consent to share my time with my colleague from Laurier—Sainte-Marie.

● (1815)

The Acting Speaker (Mr. Bruce Stanton): Does the hon. member for Ottawa Centre have the unanimous consent of the House to share his time?

Some hon. members: Agreed.

Mr. Paul Dewar: I thank the House for that, Mr. Speaker.

Mr. Speaker, if we look at how the bills have been coming from the Senate, there is a pattern here. We are not able to have a close examination of the bills, and they come from the other place with major flaws. That is the case in this bill.

The whole issue of cluster munitions is something that many people have been working on for a very long time. These are heinous, awful arms.To explain to those who are not aware, they are bombs that contain what they call bomblets. These bombs are dropped, often in a theatre of war, and as they are dropped, bomblets fall out from them, hundreds of bomblets that are the size of tennis balls.

They are heinous because 98% of the people who are affected by them are civilians. We are talking about children. I could show members pictures online of children who have lost arms and legs, people who have died. They are as bad as land mines, and some people would say even worse because of the way in which they are used and the way they affect, particularly, kids.

The global stockpile of cluster munitions totals approximately four billion. We have a large task to rid ourselves of them. That is what this treaty we signed on to was supposed to do. In 2006, 22 Canadian Forces members were killed and 112 wounded in Afghanistan as a result of land mines and cluster bombs. These are bombs that are used in theatre where our armed forces are active, as well as civilians.

If we take a look how these arms are developed, they are quite heinous because their intention is to, essentially, trick people into believing that they are not bombs, that they are actually something else, just like land mines are horrific. There is no question we have to get rid of them.

As to the history of cluster munitions, they were used by the Soviets in Afghanistan, by the British in the Falklands, by our coalition forces in the first Gulf War, by warring factions in Yugoslavia and in Kosovo. In fact, when we look back to previous conflicts, we have seen them used by coalition forces working together.

In 2010, it was decided that we would come together and have a treaty that would ban them. This included 18 NATO members. The U.S., sadly, was not one of them. The current American policy, according to reports, is that cluster munitions are available for use by every combat aircraft in the U.S. inventory. They are integral to every army or marine manoeuvre element and, in some cases, constitute up to 50% of tactical indirect fire support. As in the case of land mines, the Americans have some work to do to get rid of them.

We also have to go after other countries like Russia, and China, to push to have these banned. We can lead here; many people were quite enthusiastic when Canada signed on to this treaty. The problem was when the legislation came forward. That is where we are today.

What we have in front of us is a bill that would, and this is not just the opinion of the NDP members or me, undermine the credibility of the treaty we signed on to, to the point where people are saying it would be better not to have legislation at all. That is truly saddening, because this was an opportunity for all parties to get behind an international treaty, a treaty that would put us into the same kind of frame that we had when we were proud to sign on to the Ottawa protocol to ban land mines. We hoped that would have happened. When the government brought forward the legislation, Bill S-10, we looked at it and said there are problems here. People went to committee at the Senate and pointed out all of the problems with the legislation; in particular, the problem in clause 11.

● (1820)

It states, and I will put it into everyday language, that even though we have signed on to this treaty not to use cluster munitions, we could actually use them. It is a huge, massive loophole, and the language is the interoperability.

Instead of listening to the people who deal with international treaties and have them lead, which would be the Department of Foreign Affairs, the government took the advice clearly, there is no question about this, only from the Department of National Defence. Should the Department of National Defence be consulted? Absolutely. Should the Department of National Defence write the legislation or drive the legislation? Absolutely not. This is an international treaty that was negotiated with our allies and partners. This is an act of diplomacy. To have the Department of National Defence decide the terms, like we saw here, has undermined this legislation.

It is not even about being a standby with our friends from the United States, for example, and they were using them, which is bad enough, but what it means in this legislation is that we could be actually using them because of this loophole.

It means that this treaty we signed on to is being undermined by the government and the bill, and the Conservatives do not recognize it. We have had testimony from people who negotiated this. The chief negotiator, Earl Turcotte said, "the proposed Canadian legislation is the worst of any country that has ratified or acceded to the convention, to date".

Why does the government not listen to expert advice? Another quote, former Australian prime minister Malcolm Fraser said, "It is a pity the current Canadian government, in relation to cluster munitions, does not provide any real lead to the world. Its approach is timid, inadequate and regressive". That is a former prime minister of one of our allies. The reason he is saying that is because he actually cares about ridding the world of these heinous arms. What does the government do? It says it will not even entertain amendments.

I would hope the Conservatives would listen to their own Minister of National Defence. I will finish with this. The Minister of National Defence earlier today said it is not perfect. He indicated in his own comments that this is something that needs to be changed. Given that the minister admitted that the Conservatives are forcing through a bill that is not up to standard, I would hope sincerely that they would be open this time, because this issue is so important to our allies, and that they would listen to those who want to see amendments. Every single person who went through committee who was not part of the Department of National Defence said the bill is flawed, it is wrong, we should not pass it and it would undermine our credibility.

If the Conservatives want to listen to others or just be stubborn and steadfast and only listen to themselves, they have a choice. We need to amend it and for that reason, we will not support the bill until we see amendments.

● (1825)

[*Translation*]

Mr. Raymond Côté (Beauport—Limoilou, NDP): Mr. Speaker, I thank my colleague from Ottawa Centre for his very strong speech. He has made clear the great weaknesses in this bill.

One truly deplorable aspect was not addressed in my colleague's speech, and that is the fact that this bill comes from the Senate. I must also point out that we are debating something so fundamental under a time limitation.

Canada has already played a special role in undermining the negotiation of the convention, but Bill S-10 goes much farther. It offers an outright loophole, so that Canada can be complicit in the use and even the manufacture of cluster munitions.

Would my colleague like to talk about the fact that this bill has come, unfortunately, from the Senate? It could have come from the Department of Foreign Affairs, for example. In other words, the government has not played straight with the House with respect to this issue that is so sensitive.

[*English*]

Mr. Paul Dewar: Mr. Speaker, it is a huge problem. Where was the Minister of Foreign Affairs in this? Seriously, he has a job. Around the cabinet table here is how it should work. The Minister of Foreign Affairs should be the one who owns this. What happened? He is silent on it. He has not spoken out on it and he is okay with this going through the way it is. That means he is not doing his job, frankly.

I would like to quote from the World Federalist Movement, which has been focused on this issue for years. It said:

> If our government cannot implement the CCM in a manner that is consistent with the treaty's fundamental objects and purposes, then it would be better if we just didn't pass any implementing legislation at all. It would be better to stand outside of the treaty altogether, rather than undermine it with legislation that sets a notorious precedent and creates incentives for others to write their own exceptions and loopholes.

With this legislation, that is what we are dealing with. The minister has failed to do his job and do his due diligence.

Mr. Chris Alexander (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, the member opposite has failed to convince anyone outside of the two or three feet around him of the merits of his argument. The NDP has cited all kinds of procedural reasons for not passing disciplining legislation, why it needs more debate, why it is inadequate. The New Democrats do not like the fact that there is a second chamber to Parliament, even though it has been there since the inception of Confederation, even though it is part of our Constitution today that we have to make democracy work in our country.

However, let us get down to basics. Why does the New Democratic Party, the official opposition of our country, refuse to expeditiously pass legislation that represents an important step forward for arms control in the world, that is part of a great Canadian tradition on the disarmament and arms control front and that is long overdue, because Parliament was in a minority for too long?

Mr. Paul Dewar: Mr. Speaker, it is because the former prime minister of Australia thinks it is retrograde, because people who have been studying this for years think it is retrograde, because no one supports the government's position, no one except for the government itself. The government is so out of touch.

If the member was listening to my speech, my point was about where this legislation started. It started in the other place. Clause 11 of the bill is so retrograde that people, not just us, are saying do not even bother, stand outside of this, do not implement. That is how bad it is, and the Conservatives cannot even hear that voice. They are not even open to amendments. They think they are so right, and they are so steadfastly stubborn that they cannot hear logic anymore. That is what is wrong with the government. That is why we need to change not only this legislation, but frankly, we need to change the government.

[*Translation*]

Ms. Hélène Laverdière (Laurier—Sainte-Marie, NDP): Mr. Speaker, before beginning to discuss the bill in question, I too must protest as vehemently as possible against the process being followed here.

Bill S-10, which we are discussing this evening, was introduced in the House on December 6, 2012. It took the Conservatives six months to call the bill for debate. When they finally did so, debate lasted 10 minutes, at one in the morning on Wednesday, May 29. Now, after 10 minutes of debate, whereas it took the government six months to bestir itself a little and table the bill, we are being told that time allocation is going to be imposed, because discussion has gone on too long. Moreover, the recommendations for amendments made in the other house do not appear at all in the bill before us.

Cluster munitions have almost no military usefulness and mainly affect civilians. Ninety-eight per cent of those injured by cluster munitions are civilians.

In many cases, these weapons have a relative effectiveness. About 30% of the small sub-munitions packed into the weapon fail to explode. They become sub-munitions, often the size of tennis balls, and often very colourful. They remain in the environment and are spread over a very wide area. Children see them. They are attractive. They play with them and, of course, the sub-munitions blow up in their faces and cause damage we can imagine. The sub-munitions in these weapons become, as it were, tiny but very numerous anti-personnel mines.

Because we are talking about anti-personnel mines, let us make a small comparison with what Canada did with respect to anti-personnel mines. Canada was a leader in that area. It won the esteem not only of many countries, but also of many people all over the world, through the work it did on anti-personnel mines.

One day, I met a Portuguese-speaking senior African dignitary. He told me that he had given his daughter the name Ottavia in honour of the Ottawa convention. Ottawa was, at that time, a word that was full of hope. Now, however, we are talking about cluster munitions. Initially, Canada was true leadership from Canada, but nowadays, there is nothing of the sort. In fact, we are regressing and destroying everything. In the negotiation process, Canada quickly became a spoilsport, as it were. Most of the countries involved were opposed to the interoperability provision that Canada had already managed to have included in the convention, but Canada pushed for it and got it. Quite frankly, there is nothing to be proud about in all of this.

We have before us Bill S-10. If we had no reason to be proud during the negotiation process, we will certainly have good cause to be ashamed if this bill is passed. Despite its title, it is not a bill to implement the convention. It is a bill to lay waste to the convention. Bill S-10, in fact, will invalidate the convention.

The bill provides the means to circumvent the interoperability provision by allowing Canada to aid, abet, counsel or conspire to use cluster munitions, under a convention that seeks to abolish the very use of these munitions.

A little earlier, we heard comments to the effect that the NDP would be opposed to these changes because of petty partisan politics or some such reasoning.

● (1830)

Just in case anybody actually believed that, allow me to quote a number of people in order to demonstrate just how broad the consensus is against this bill and to show that this consensus is made up of people from all walks of life.

I would like to quote the leader of the Canadian delegation that negotiated the convention, as well as the chair of the Department of Security and International Affairs at the Canadian Forces College. In my opinion, these two people should know what they are talking about. I would also like to quote a foreign dignitary, the former Australian prime minister, Malcolm Fraser, and also the hon. Warren Allmand, former solicitor general of Canada.

Let us start with Earl Turcotte, the head of the Canadian delegation that negotiated this agreement. When Mr. Turcotte saw the direction in which the negotiations were heading and what was the result was going to be, he resigned. I admire his courage. It shows just how outraged he was to see what the government had in store for us.

He said, “The proposed legislation is the worst of any country that has ratified or acceded to the convention to date.”

Regarding the current government's stance on cluster munitions, the former Australian prime minister, Malcolm Fraser, remarked that it is “timid, inadequate and regressive”. Fortunately, there will be a change in government in 2015.

I would like to quote Walter Dorn, the chair of the Department of Security and International Affairs at Canadian Forces College. It is a long quote, but I believe it is worth hearing:

> As someone who works daily with those who have deployed in combined operations and who might do so myself as a civilian under the Code of Service Discipline, I have to say that the current draft legislation could put us in a compromising position.
>
> Those deployed on behalf of Canada do not want to be forced to violate the treaty or be associated with violations. The terms of the bill would oblige Canadians to accept orders which they might consider illegal. It would then put them in a legal limbo between national and international law. Soldiers are trained to obey “lawful orders”. This would create confusion because the laws are contradictory. A complete prohibition, as obliged by the convention, would be much clearer.

He added:

> ...clause 11 of the current draft legislation seems to be in legal contravention of the treaty. It gives rise to serious moral dilemmas and weakens the norm against the use of these terrible weapons. It should be removed or amended.

Finally, the Hon. Warren Allmand said:

> As presently drafted, Bill S-10 contains provisions that are contrary to the treaty's objects and purposes. It makes no sense for Canada to join a treaty regime whose purpose is an absolute prohibition on the use and transfer of cluster munitions on the one hand and, on the other hand, to promulgate national legislation that creates exceptions allowing Canadian personnel to carry out precisely the types of activities that are proscribed or forbidden by the convention.

Obviously, everyone agrees. All anyone needs to do is read the bill.

As I said at the beginning, this bill is designed not to implement, but rather to destroy the treaty. Agreeing to this bill and passing it as is places the Canadian military in an extremely difficult position, in addition to setting a bad example for other countries. Canada will still be the "bad guy" on the international stage.

After the debacle concerning the effort to combat desertification, Kyoto, the arms trade treaty with no clear outcome, and the new directives on international co-operation, Canada still looks like it does not want to play ball.

● (1835)

This bill has huge flaws. It must be reviewed and we will certainly not support it.

● (1840)

Mr. Chris Alexander (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, I want to ask the member a very simple question.

Is she aware that as many as 300 or 400 members of the Canadian Armed Forces serve year-round with U.S. armed forces units, including combat units, and that the United States will not be party to this convention? Does she know that the principle of interoperability is absolutely essential to our alliance with the United States, in North America, and with NATO?

Ms. Hélène Laverdière: Mr. Speaker, I am utterly delighted with the question and would like to put a similar question to my colleague opposite.

Is my colleague aware that the issue of interoperability also arose with regard to anti-personnel mines? Canadian military members were working with the U.S. armed forces at that time as well. In spite of everything, we nevertheless found a way to work with anti-personnel mines that enabled us to comply with the convention while continuing to work with our American partners, in particular, who were not party to the convention.

The same systems could have been put in place for cluster munitions without any problem. These are excuses and pretexts rather than real reasons. If the Conservatives do not want the convention, they should show some backbone and tell us so rather than try to sabotage it.

[*English*]

Mr. Paul Dewar (Ottawa Centre, NDP): Mr. Speaker, with regard to the whole issue with the Americans that we just talked about, I do not think even the parliamentary secretary appreciates that not only is clause 11 about allowing us to be with other forces that are using these munitions, but the loophole is so big that it could mean our forces would be going out and using them.

I do not know if people appreciate how much this would undermine the treaty. It means that not only would we be on standby, but we would be involved in using these munitions. That is what we are talking about. Someone could order one of our soldiers to use them, and that soldier would feel obliged. That is my first point.

Second, in light of this retrograde legislation and in light of the fact that we are not signing on to the arms trade treaty, what does my colleague think this would do in terms of Canada's reputation as a country working for peace and working to ensure that we have solid disarmament proposals to show the world?

[*Translation*]

Ms. Hélène Laverdière: Mr. Speaker, on the first part of the question, I would like to add that several of our allies working within NATO have managed to adopt workable legislation to implement the convention. Why would Canada be the only country incapable of doing that?

As for the second part of the question, I served at the Canadian Foreign Service Institute for 15 years, and I take a certain amount of pride in that fact. We were well regarded in the world; people respected us, and we were able to work positively toward peace and conflict prevention.

Now we find ourselves in a world where we only want to do good when conflict breaks out. We are willing to go and clean up minor situations from time to time, but we no longer make any effort to prevent conflict.

This is really a world in which Canada's image is truly tarnished. This has been evident in my interactions with others, both here and abroad. It is tragic, particularly since it will take years to rebuild that image.

[*English*]

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, I appreciate the opportunity to participate in this debate.

It is important for Canadians to try to understand where we are on this bill. The bill began in the Senate, where significant concerns were raised by Senator Hubley and Senator Dallaire.

It went to committee, where a number of witnesses appeared and discussed the bill. It would ordinarily be a matter of simple ratification by the House, because we as a House have expressed our views on cluster bombs for a long period of time.

I can recall asking a minister several years ago, former minister David Emerson, about what role Canada was going to be playing in the implementation of the law on cluster munitions. Canada was not that active in putting the bill forward, but finally we agreed that we would join in the ratification and would participate in the ratification.

Essentially this law is supposed to put into effect an international treaty that has been signed by Canada as well as a number of other countries.

My colleagues who spoke earlier discussed how very imperfectly the bill reflects the treaty that we have signed. Cluster bombs are being banned in this treaty. The use of them is being banned in this treaty, which is something that Canada has agreed to do on its own, unilaterally, over a long period of time. That is not in dispute. No one is saying that the government is continuing to promote the use of cluster bombs or is somehow going against the treaty that it has signed.

We will be supporting the legislation going forward to committee, but what we are saying, as clearly as we can, is that the way in which the government has chosen to implement the treaty is contentious.

When I say that, it has to be understood that any number of countries have already had their internal debates and their parliamentary approvals, and if all the other countries, in their own legislation, had somehow adopted exactly the same interpretation of the treaty as the government, then our case would obviously be substantially weakened.

However, one is almost baffled by the approach that the Conservatives have taken. The person who negotiated the treaty, Mr. Turcotte, said that he was profoundly disappointed in the interpretation put on the treaty by the government.

My colleague from the New Democratic Party has already spoken to this issue.

● (1845)

[*Translation*]

As my colleague previously said, the prime minister of Australia was disappointed by the Government of Canada's approach. In fact, I would even say he was angry. Malcolm Fraser is a former Conservative prime minister of Australia. He is not a radical or a left-winger, and he is not opposed to using military force to safeguard his country's sovereignty; quite the contrary. It would be remarkable if Canada's Conservative government were the only government to adopt such a position and to interpret the treaty in that way. We naturally have questions on that subject.

Why has the government chosen to adopt such a negative interpretation of the treaty in clause 11 of the bill before us? Can it be said, as my colleague from Ottawa Centre has done, that one of the consequences of the legislation proposed by the Conservatives is that Canadian officers could order the use of these bombs and that Canadian soldiers might have to use them?

In my opinion, that stands in stark contradiction with the fact that Canada is opposed to the use of these bombs.

Consequently, we have a serious problem. Although standing in favour of multilateral disarmament, the Conservatives have managed to cause a problem with regard to the use of these bombs, which are so dangerous and have such a cruel impact on the civilian population.

● (1850)

[*English*]

We have all realized in the last few years that wars are no longer armed combats between soldiers lining up in a line, one against the other, but that wars increasingly and overwhelmingly involve the civilian populations of countries around the world.

Whether it is land mines or whether it is cluster bombs, the human experience has been that these are weapons have a horrible effect and a horrible impact on the civilian population. They are hard to target and they are hard to control. It is hard to say exactly who is going to be hit, who is going to be hurt, and who is going to be killed. It is the indiscriminate nature of these bombs that has led the world to say that we are going to stop the manufacture of these bombs and stop their use.

For our part, we are completely in favour of the legislation from the perspective of wanting to implement the treaty, but we insist that changes need to be made in committee in order to respect not only the spirit but the letter of the treaty we are signing. The changes that are required are in clause 11.

My colleagues Senators Hubley and Dallaire, two people of great integrity and great ability who have been watching and debating this legislation in the other place, did their best to convince the Conservative majority in the Senate that changes need to be made, but unfortunately those changes were not made.

Let us look at the number of countries that have explicitly rejected the interpretation being put on this treaty by the Conservative government.

At least 35 states have articulated support for the clear interpretation that the interoperability clause is not an escape clause. That is the clause that the Parliamentary Secretary to the Minister of National Defence was just talking about.

New Zealand's legislation does not create any exceptions to the convention's prohibitions.

Norway has noted that:

> The exemption for military cooperation does not authorise the States Parties to engage in activities prohibited by the Convention.

Ten other NATO members have issued similar interpretations: Belgium, Bulgaria, Croatia, the Czech Republic, France, Germany, Hungary, Iceland, Portugal and Slovenia.

It is hard for the government to argue that to be able to participate in NATO operations or in joint operations with other countries, we are somehow going to be able to use the interoperability clause as a pure and simple escape clause, but that is actually what the government has done.

One has to have a close look at this concept of interoperability, which is a principle with respect to how Canadian troops are working and exercising their responsibilities and engaging in combat in other countries. It is important at the same time to ask what the point is of signing a convention and agreeing to a treaty when we are not going to implement that treaty if it affects any of the operations we are undertaking anywhere in the world.

It almost seems like an expression on the part of the government of a kind of organized hypocrisy when out of one side of its mouth it says that it will be eliminating the use of cluster bombs and then says that no, not necessarily, if it means that it has to agree to the rejection of their use while we are actually in combat.

This is a challenge that Canadians need to understand and the government needs to come clean on.

I appreciate the fact that the government has introduced the legislation, that the government is referring it to committee and that the government says that its intent is to implement a treaty, which we are signing as a sovereign country. However, the government cannot do that and at the same time say that, yes, it will implement the treaty, but it will ensure that when it is in actual conditions of combat, it will not have any effect.

This is really a contradictory position that the government has taken. Once again, it has taken the position of Canadian exceptionalism to a degree that makes us almost a laughingstock to the rest of the world. The government effectively is saying that yes, it wants to pretend to be the good guys who are going along with signing and ratifying this treaty, but no, it does not disagree really with those of our partners, the United States and elsewhere, which in fact will not sign this treaty because the United States says that it does not want to use these, but there may be circumstances in which it has no choice but to use them and it will not bind the hands of our troops. Let us remember that the United States also refused to sign the land mines treaty.

It seems to me the government has to come clean. Is it or is it not the intention of the Government of Canada to allow its troops to be actively engaged in using cluster bombs while in combat, yes or no? Is it in fact the case that the Government of Canada intends its commanding officers to authorize the use of these cluster bombs while they are actually in the field of combat, even though Canada has signed a treaty saying they will not be used?

It seems to me there has to be some consistency. The Conservatives have in fact done exactly what other countries have warned us against doing and they have done exactly what other countries have refused to do, which is to use this notion of interoperability as an actual escape from the responsibilities we have to implement the legislation.

We need to go back into committee. We need to call Mr. Turcotte. We need to call the people who have interpreted this legislation. We need to call the people who have been looking hard at it. We need to call people from other countries who have an understanding as to how they have interpreted this. We need to have a real discussion in committee as to why the government would have taken such an approach to this legislation.

Canada should not be escaping its responsibilities by choosing to implement a treaty in this way. It makes a mockery of our commitment. It makes a mockery of our understanding of what it means to actually put into effect and to put into operation a treaty obligation that we signed. It will provide for total confusion with respect to what Canada and Canadians troops have actually agreed to do.

That is why, while we support the bill going to committee, we have great difficulty with the way in which the government has chosen to interpret the treaty in clause 11 of the bill.

● (1855)

Mr. Chris Alexander (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, with all due respect to the member opposite, what we have heard here tonight on this issue is what a famous former U.S. secretary of state called “the stern daughter of the voice of God”, Dean Acheson's term for a certain kind of Canadian self-righteousness that simply refuses to take reality as it is, especially in the political, military or strategic field.

My question for the member for Toronto Centre is very simple. He regrets that there is not symmetry between this legislation and our legislation governing the land mines convention. He says that it is a slippery slope in all kinds of directions.

Will the member not acknowledge for the House that the essential difference here, underpinning clause 11, is the exception that this legislation provides for Canadian Forces that serve in operational units, combat units, which will never be using cluster munitions directly under this legislation, but that serve alongside their American colleagues in combat?

American units, as long as their country has not signed this convention, are still using that weapon. We disapprove and we will not do it in our armed forces.

However, will the member for Toronto Centre admit that there is a difference between land mines, which U.S. armed forces do not use, and cluster munitions, which are still used and were used as recently as in the last decade in Afghanistan, in a combat mission that included Canadian troops, some of them embedded in U.S. units?

● (1900)

Hon. Bob Rae: Mr. Speaker, I hesitate to borrow a phrase, and the member may be somewhat dumbfounded when I say this, but I actually knew Dean Acheson and he was a friend of mine. The hon. member is no Dean Acheson, I can say that right now.

I do not mind being called whatever by the hon. member, but to his question I would simply put another question. How is it possible that 20 other NATO countries have managed to sign the convention, have signed the treaty and have not adopted the kind of escape clause to which Canada is now committing itself?

What the Government of Canada is now saying is that Canada has no independent foreign policy, we have no independent defence policy and we have no capacity to make our own moral judgments with respect to what weapons we will use and what weapons we will not use. It is the old Conservative position: when the imperial power says “Aye”, they say “Ready, aye, ready”.

From our perspective, we want Canada to be able to say “We believe in a treaty, we take a treaty seriously and we will observe the letter and the spirit of that treaty when we pass our legislation right here in Canada”.

[*Translation*]

Ms. Ève Péclet (La Pointe-de-l'Île, NDP): Mr. Speaker, I would like to ask my hon. colleague a question.

In Canada's view, the use of cluster bombs is an utterly inconceivable act. Why have we not heard the Government of Canada or the Minister of Foreign Affairs take a strong position on the use of cluster munitions in the current conflict in Syria?

Today the parliamentary secretary tells us that Canada has always been a strong proponent of that principle. This is the same old story. Why has the Conservative government not adopted that approach to the conflict in Syria? I would like my hon. colleague to comment on that.

Hon. Bob Rae: Mr. Speaker, Canada's ability to speak directly about the humanitarian impact of the use of these bombs is entirely compromised by the position the Government of Canada has taken.

The Conservative Party's position is such that we find ourselves in a situation in which we claim to be opposed to the use of these bombs, which are being used in Syria, but we say that there will be exceptions and they will continue to be used.

The Canadian public would be surprised to know the current position of the Government of Canada. As the parliamentary secretary said, the principle of interoperability clearly means that Canada is no longer independent with regard to its military decisions or the conditions in which it does its job and fights. Furthermore, if a conflict arises, Canada must agree to fight alongside the Americans. Ultimately, we will have no choice as to how we do our job.

That constitutes an infringement of Canada's sovereignty, which I find utterly unacceptable.

[*English*]

Mr. Chris Alexander: Mr. Speaker, the two last answers of the member for Toronto Centre reminded me much more of Henri Bourassa than of Dean Acheson. Raging against an imperial power, it really sounded like rhetoric from times past. However, let us come back to reality. Let us come back to the present.

The member mentions 20 states. It is true that most of the members of NATO that have taken a different approach to this convention. Will the member not admit, though, that these states were not involved in combat alongside American troops in Afghanistan as recently at five, six or seven years ago? By not acknowledging the reality that Canadian troops faced, of being integrated into command structures, not of an imperial power, but of an alliance of democracies, yes, including the United States, the member for Toronto Centre, who says he is a member of the Liberal Party, which sent us to Afghanistan to be involved in combat, is contradicting the legacy and principles of his party and certainly the honour the Canadian Armed Forces that did everything in their power to fulfill the mission that his party placed on their shoulders in 2005 when they were sent into combat in Kandahar.

● (1905)

Hon. Bob Rae: Mr. Speaker, let the record show that I probably was as strong an advocate with respect to Canadian engagement in Afghanistan as any member in the House, including members of the Conservative Party. I leave that as a clear statement.

I think what the hon. member is not coming clean on is we know that within the government and within the public service of Canada there was a substantial internal debate about how this legislation should be brought forward and what should be in that legislation. We know the people who were negotiating this treaty never had any concept that this level of exceptionalism would be introduced into the legislation and that this kind of escape clause would be introduced into the legislation.

What we continue to object to is that the government has taken an interpretation of this treaty and made a mockery of it in the way in which it has been interpreted and the way in which it has been put forward. That is something that everyone in the House needs to realize. This is not something that came forward without any discussion or debate within the Government of Canada. There was a substantial debate.

I am sorry that when we look at the legislation, the broadest possible exceptions have been built into the law that has been brought forward by the Conservative Party.

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, I have been listening to the debate with great attention. It reminded me of some conversations that I had in a previous career, where I was involved with some American vets who were trying to get support for a land mine ban. I was playing some shows in the United States, in my former life, and they told me "thank goodness for Canada" and "thank goodness for the independent voice right next to the United States", which could actually send clear message to the world that there were people in North America who saw things differently.

I wonder if my hon. colleague from Toronto Centre might want to comment on the drift that we have seen consistently from the government vis-à-vis our place in the world.

Hon. Bob Rae: Mr. Speaker, the government is taking the concept of interoperability and an interpretation of what that means and then basically saying that the implication of the principle of interoperability is that we essentially have to do whatever the United States or other countries with which we are serving want us to do.

With great respect, Canada fought long and hard for greater independence in the conduct of our troops in two world wars. In two world wars, we had substantial arguments that had to be made to ensure that Canadian troops, the Canadian approach and the Canadian way of engaging were in fact given a degree of recognition and independence. The Conservative Party is now saying that interoperability means that we simply have to do whatever our allies want and tell us to do, whether it is the Americans, the Brits or someone else, and I am saying that if we sign a treaty like this, that is in fact not true.

Mr. Chris Alexander (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, I hope we do get a chance to hear from the member for Toronto Centre again tonight.

Continuing the last exchange, it is astonishing to hear members of the Liberal Party, who complained about national caveats during our forces' time in combat in Afghanistan and in Kandahar, who pushed for NATO command of that mission starting in 2003 and then Canadian command of the first NATO combat mission in southern Afghanistan in 2005-06. That same Liberal Party, now in opposition, has become the stern daughter of the voice of God on the whole question of whether interoperability can actually be made a practical reality.

The Liberals did not want to apply these principles of pulling Canadian troops out of U.S. units, of not having Canadian pilots who may be based with U.S. squadrons providing air support to U.S. units that might need it because of the danger of cluster munitions. They did not raise any of those concerns, even while this convention was under negotiation at that time. In the heat of combat, most of them wanted the best for our troops and wanted our troops to do well. They knew very well, very quickly, that they had sent the Canadian Forces into Afghanistan under-equipped, without the right uniforms, the right vehicles, the right mobility, tactical strategic lift, that this country with its expeditionary tradition should always have. They were embarrassed for it and they were called on it, and they will wear their record of a decade of darkness, the lowest ebb of support for the Canadian Forces, for the rest of their history.

However, on this issue of cluster munitions and exceptions, the hypocrisy we have seen tonight is astonishing. The members of that party that wanted us to lead the first NATO combat mission in one of the most difficult theatres imaginable now wants to fetter those same forces with an inability to work comprehensively with their U.S. colleagues. It wants to fetter the forces from being good allies, to be one of the few countries that do not have those caveats and that do not shy away from combat when it is necessary and authorized and the right thing to do. The comments from the member for Toronto Centre probably do more than anything I am about to say to advance our case for this legislation. It is the right legislation to govern our involvement in the Convention on Cluster Munitions at this stage in our history, while the United States is still on a different path.

Let me say a few things about this important legislation from the perspectives of the Department of National Defence and the Canadian Armed Forces. Let us remind ourselves what those Canadian Forces are still doing at home and abroad that brings them into contact with Canadians on all three coasts and across this great country. They are in contact with allies, with many of the countries the member for Toronto Centre mentioned, many of which sent contingents to Afghanistan but did not have the size, scale or capability to do the heavy lifting that countries like Canada did.

Our troops have responded in the last year to natural disasters, such as floods in Quebec and the Prairies, forest fires in British Columbia, and a hurricane in Atlantic Canada. They support law enforcement agencies when called upon. They patrol our Arctic. They conduct search and rescue missions. We discuss those missions almost every week in this House of Commons. They do it on some of the most inhospitable terrain and climate on earth.

Abroad, our men and women in uniform have been heavily committed to the mission in Afghanistan, first protecting Kabul, the capital, while our allies were off on another mission in Iraq. Then they were in combat in Kandahar, bringing NATO forces into a pitch tempo of operations that they had never seen before in the history of the alliance. Now they are training the Afghan National Security Forces.

The forces have protected civilians in Libya. They are engaged in counter-narcotics missions in the Caribbean basin and the eastern Pacific. They are helping to foster maritime security in the Arabian Sea. Let us recall HMCS *Toronto* and its seizures of heroin, opium and hashish on historic scales, which the allied navies have never before achieved.

● (1910)

We are also participating in a number of international missions, from Cyprus to Golan to South Sudan. More and more the forces find themselves working in complex, sensitive, legally challenging theatres of operation. There is no rule of law in many of these states and societies when these missions are undertaken. That is why these Canadian Forces, and indeed the new authorities in many of these countries, are looking to international law, including conventions, agreements and other treaties to guide their actions.

One of them is the Convention on Cluster Munitions, which Canada signed in good faith four and a half years ago. The bill before us would allow Canada to ratify that treaty. However, even though the convention has not yet entered into force in Canada, and this is a key point, the Department of National Defence and the Canadian Forces have already taken clear steps to abide by its spirit.

First and foremost, it is important to recognize that the forces have never used these weapons in any of their operations. If anything that we say tonight deserves repetition, it is surely that fact. The Canadian Forces, with their record of success in world wars, peacekeeping, Korea and Afghanistan, have never had recourse to cluster munitions. Even three years before Canada signed the convention, the forces had begun to phase cluster munitions out of their operational weapon stocks where they had remained unused. It was not long after that the forces began ridding themselves of these weapons entirely, a process which is nearly complete now that Public Works and Government Services Canada has posted the last contract for the destruction of our remaining stock of cluster munitions.

While this process of stock destruction was under way, the Chief of the Defence Staff underscored the forces' position on these weapons, by prohibiting their use in any of our military operations. The fact that all this took place before Canada even signed the convention shows our commitment, and the commitment of the Canadian Forces, to its aims.

● (1915)

[*Translation*]

It is because we recognize that the kind of international co-operation that leads to agreements like the convention results in a safer world and, by extension, greater security for Canada.

[*English*]

The Canadian Forces have always been strong supporters of the arms control and disarmament regime. It helps to keep the world an orderly and more peaceful place, where fewer military operations are required.

[*Translation*]

However, this kind of international co-operation naturally requires more than just signing treaties, and it goes further than co-operation initiatives in the area of arms control.

For a number of decades, Canada has been a strong defender of multilateral security efforts. The Canada First defence strategy highlights the importance of this type of co-operation in the present-day context.

[*English*]

Partnership and co-operation with all of our allies is also a priority for NATO, and with countries beyond NATO.

[*Translation*]

Clearly, international co-operation in the defence field will remain one of the cornerstones of Canada's security for a long time to come.

[*English*]

Let me contrast this vision of security with our many partners. There is the United States here in North America, but there are dozens in NATO and dozens outside of NATO that have active security co-operation with Canada. The member for Toronto Centre said this government was responding to some kind of imperial pressure. I look around to Europe, south of the border, Asia, and I fail to see, and I think all of us on this side of the House fail to see, an imperial power in this day and age to which Canada would subordinate itself in any way, shape or form.

It is for that reason that we will continue to remind the House and Canadians that we are speaking about today's reality, not about the anxieties of the 1920s or the 1950s and not about something of historical interest. We are speaking about Canada's security reality today, our partnerships in the world, our co-operation in the world, and our arms control and disarmament obligations in the world.

[*Translation*]

As I have already mentioned, international co-operation in the field of security involves more than treaties. It encompasses areas such as collaborative research, development, training, information sharing and joint operations.

These endeavours help the Canadian Forces safeguard Canada's security because, in today's complex world, countries cannot face down most threats by themselves.

In today's volatile environment, Canada has a close ally. For decades, the Canadian and American armed forces have worked side by side to safeguard the security of our two countries and foster global stability. This is why the Canada First defence strategy specifies that the Canadian Armed Forces have a duty to strengthen this long-standing co-operation by remaining a strong and reliable partner in the defence of North America.

[*English*]

I might as well ask if the member for Toronto Centre knows the history of his own party?

It was the Liberal Party of Canada that brought us into the North American aerospace defence agreement. We are the smaller partner, but it is for the larger objective of defending North America, and we did that of our own free will. This government supports that alliance as much as any Liberal government did. However, it is not a question of ceding sovereignty, but a question of defending peace and one's national interest more effectively with allies. We have always done it.

● (1920)

[*Translation*]

The strategy also calls on the forces to co-operate with our partners and allies, including the United States, in order to promote international security.

Our long-standing co-operation with our American friends has proven successful over the years. It has allowed us to have access to important information, dialogue with key decision-makers and enhance our own military capability, and at the same time it has enabled our defence industries to work together more effectively.

[*English*]

Of course, it is to export to the United States and beyond as well.

This is a relationship worth preserving. Doing so was a priority for Canada during the negotiation of the Convention on Cluster Munitions. That is why Canada championed the clause within the convention dealing with the military co-operation of signatory states with countries that are not party to the agreement, countries like the United States.

This clause found in article 21 of the convention and reflected in Bill S-10 strikes a fair balance between humanitarian principles, on the one hand, to which we are absolutely committed, and Canada's security imperatives on the other. It protects Canada's ability to co-operate in a meaningful way with its partners that have not yet signed the agreement, and it complies entirely with Canada's humanitarian obligations under the convention. That is perhaps something that needs reinforcing. Despite all the rhetoric from across the way, we are complying entirely with the requirements of the convention.

The legislation before us today reflects Canada's interpretation of this clause, and as such would allow us to remain fully interoperable with the U.S. military. It would preserve the valuable liaison and exchange positions that the Canadian Armed Forces share with our most important ally. It essentially means that in combat the Canadian Forces would not be obliged to leave U.S. units just because there was a suspicion that cluster munitions might be used.

Of course, members of the Canadian Forces would not use them and would not be directly involved. Of course, our units would never use them. That would violate our obligations under the convention. However, should we leave our U.S. colleagues hanging in Afghanistan, or some other combat mission, just because of the possibility of a legal stricture not having been met?

The fact is, interoperability between our two nations remains essential to Canada's defence and security. It is more important now, in 2013, than ever before. Every dime counts. Every solider counts. Every capability needs to be leveraged, here, within NATO, and in every operation around the world.

Article 21 of the convention reflected in Bill S-10 would also give our men and women in uniform the legal protection they need to continue to co-operate with other non-signatory states, without fear of being disciplined or put on trial. This includes when they are participating in combined military operations, multinational exercises, training opportunities and military co-operation away from the battlefield. The fact is that this kind of co-operation is integral to the work of our military.

That being said, this will not take away from our commitment to fulfill all of our obligations under the convention. The Canadian Armed Forces will at all times, and during all operations, continue to remain bound to these obligations to prohibit the authorization of or participation in any indiscriminate attack, including one using cluster munitions, regardless of whether they are acting independently or with foreign partners.

To put it simply, no Canadian Armed Forces member would ever directly use a cluster munition or specifically ask that one be used in circumstances where the choice of munition used is within the exclusive control of the Canadian Armed Forces. In fact, as they move forward with implementation, the Chief of the Defence Staff would issue additional directives to ensure this is fully enforced in practice.

These military directives would specifically prohibit Canadian military members on exchange with allied armed forces from using cluster munitions or from giving or receiving training in their use. They will also prohibit the transportation of cluster munitions by the Canadian Armed Forces or by third parties under its control.

Our question to the opposition is this: How are these safeguards somehow insufficient? How does the opposition think that with its self-righteousness tonight it could wish away the reality of a different policy in the United States, a country that happens to be our most important ally? These restrictions, which would be implemented as soon as Canada ratifies the agreement, would actually exceed the convention's requirements.

To conclude, wherever they operate, the Canadian Armed Forces abide by their national legal and humanitarian obligations. Their obligations under the convention are part and parcel of that cross-cutting commitment. As I said at the outset, National Defence has already prohibited the use of cluster munitions in our own operations. We have removed them from active service. We have taken all the necessary steps to destroy our remaining stockpile.

Going forward, Canada remains steadfast in its commitment to the ratification of the Convention on Cluster Munitions and to its ultimate universalization. What does that mean? It means that we want all countries to become states party to this convention, including the United States. We will engage in advocacy. We will engage in outreach. We will engage in diplomacy to that goal. We recognize that in doing so, we reinforce our broader efforts to foster domestic and international security. We also realize that this commitment to our collective security can only be undertaken in close co-operation with partners and allies, some of which have not yet signed the convention.

With that in mind, until such time as the goal of universalization is realized, the legislation before us today strikes the necessary balance to ensure that we remain true to our obligations under the convention, while enabling us to remain a strong and reliable partner in the quest for peace and security both at home and abroad. As such, I call upon my hon. colleagues to support this important legislation so that we can take the next steps in the critical phase of implementation.

Let me close with two personal points. We are living in a dangerous world. I personally have experience with cluster munitions from that most recent theatre of combat for the Canadian Forces, Afghanistan.

The exception being provided for in this legislation is not an abstraction. It is not something we should be arguing about legalistically on blackboards. It is something that is really needed.

When we were walking in the hills and valleys of Afghanistan, more than once during my time in that country, there were moments when one would take a step over some boulders, look across a divide in what seemed to be a remote place, but a place where sheep, people, shepherds and travellers would nevertheless pass, and there they would be, the cluster munitions that had been left, in some cases by the Soviet Union, in some cases by the United States.

I was never a direct witness to the atrocious human tragedy these explosive remnants of war left on Afghan families and on Afghan villages. Fortunately, those travelling with me always managed to see them and stepped away to miss the little tennis-ball-sized balls of destructive power.

However, they were used, not just by countries we would have once considered our enemies, such as the Soviet Union, not only by China, with its growing military power, but by the United States. We may regret that use. That use nevertheless happened. I guarantee that it happened in units where Canadians were either actively embedded, had been embedded before, or afterwards would be embedded.

It would be a shame, in fact outrageous, given the dependence we have had on the United States for partnership in the military field and that NATO has had on the United States in the military field in Afghanistan and elsewhere, for us to be refusing that kind of fellowship, that kind of professional development and that kind of involvement—because U.S. soldiers are also embedded in our units —simply because one particular weapon may have been used on a few occasions in Afghanistan.

Believe me, I do not have cases, and we have studied them a lot, in the United Nations mission elsewhere in Afghanistan, in which cluster munitions were used mistakenly against civilian targets. I hope that they were not. The munitions we found in the mountains had been left there by pilots discharging their loads as they headed back to the aircraft carrier to their base thinking that they had been destroyed, thinking that no one would come to harm.

There is a legacy there of explosive remnants of war that needs our attention. It has received attention. Canada has been one of the foremost countries funding demining programs, funding the destruction of unneeded ammunition in huge quantities in Afghanistan to try to make this wartorn country safer. However, we should not encumber ourselves with an absolutely ridiculous obligation to cut off our co-operation with the United States, our ability to embed with U.S. units, simply because the United States, on this issue, happens to be in a different place, and we would argue behind us in terms of adherence to the convention. It is according to its own decision-making, on the basis of its own sovereignty and given its own military role in the world.

● (1925)

We on this side hope for the passage of this legislation. We hope for understanding. We know that Canadians want that partnership with the United States to continue. We hope the opposition will understand, especially the Liberal Party, that by continuing the kind of rhetoric members have displayed tonight they are really going against a decision they took—

● (1930)

The Acting Speaker (Mr. Bruce Stanton): Order, please. That brings to an end the time allocated for the first presentation.

Questions and comments, the hon. member for Vancouver East.

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I listened with great interest to the parliamentary secretary. He used some pretty loaded language. He said that the opposition was hypocritical. Then he talked about self-righteousness. Listening to the debate, I could only surmise that the self-righteousness is actually coming from him.

I know that he believes that he knows a lot, but the fact is that we all look at legislation, and we have basic questions we want to address. To characterize this as self-righteous or hypocritical is very unparliamentary, because there are basic questions that need to be asked.

One of them is why it took so long for this legislation to come forward. The convention was signed in 2008. It took four years for it to come forward, and all of a sudden, it is being jammed through, rushed through, at the last minute, which, of course, is a pattern with the Conservative government. It is very disturbing.

I guess the most basic question is how the government can stand up with any credibility and pass this legislation and call it a ratification of the convention, when in actual fact, examination of this bill would suggest that it is undermining the convention. If we heed the words of the former negotiator, Mr. Turcotte, that is what he said, in effect.

Leave aside the self-righteousness. Why not just address some of the questions that are legitimately coming forward about this bill?

Mr. Chris Alexander: Mr. Speaker, leaving aside the term the member opposite has just used, let us open up the debate a little bit wider. How is it that the NDP, the party opposite, would even weigh in on this debate? It relates to a necessary balance that we, as a government, are seeking to strike, and believe we have struck in this legislation, between our disarmament obligations, which run very deep in this country, and our obligations as an ally, where interoperability is not an option. It is something that is codified in the very DNA of the North Atlantic Treaty Organization. It is something without which missions such as Libya and Afghanistan would never have happened. The defence of North America, the defence of Europe and the naval operation in the Arabian Sea would not have happened, not just without interoperability but without the ability to exchange officers, sailors, air crew and soldiers.

How does the NDP even deign to rise and comment on this debate, when every time legislation comes forward, budgets come forward and debates come forward in the House on giving equipment, funding and training and even approving missions for the Canadian Armed Forces they are against it? The no-defence party is here—

The Acting Speaker (Mr. Bruce Stanton): Order, please. The hon. member for Toronto—Danforth.

Mr. Craig Scott (Toronto—Danforth, NDP): Mr. Speaker, what we have been hearing is beneath debate in the House. I am really disappointed with the way this is being dealt with. That we are disabled from talking about a principle of humanity that underlies this treaty and how it relates to this exalted principle of interoperability the member seems to reify is absolutely nuts.

I am going to quote back to the member what he said when he was criticizing the Liberals. He said that "in the heat of combat, most of them wanted the best for our troops". He then went on to say that they sent troops into battle "under-equipped", and he used that to say that somehow or other they had lost their way and were being hypocritical. Frankly, the whole way that played out sounded to me just like the defence of the actual use of cluster munitions.

Could the parliamentary secretary confirm that he actually is not, in a veiled way, defending the use of cluster munitions through this exaltation of the principle of interoperability?

● (1935)

Mr. Chris Alexander: Mr. Speaker, I am certainly not in any way advocating the use of cluster munitions. If the member had been listening to my remarks, he would know that my only involvement with cluster munitions in Afghanistan was trying not to be a victim of them.

It is the government that is bringing in legislation to make Canada a state party to this convention, which we were not at the time of combat in Afghanistan, the convention having only been formulated four and a half years ago.

The real question is why the member for Toronto—Danforth and the member for Vancouver East really show absolutely no respect, not only for our military but for our main ally, which plays a role in the security of North America and the North Atlantic Treaty Organization and indeed in anchoring peace and stability in the world.

I would like the member, if he gets up sometime tonight, to say that he believes in this, that he believes in the mission in Afghanistan and that he believes in our alliance with the United States. Quite frankly, we do not hear it from the NDP very often.

We know that many of them, through the history of the CCF and the NDP, were committed to taking Canada out of the North Atlantic Treaty Organization and to having no military relations to speak of with the United States. That is the kind of thing we are hearing tonight with the sanctimonious rhetoric and this wanton disregard for interoperability.

It was the member for Vancouver East who first called my speech, which was at least an attempt to be substantive on the issue, unparliamentary. Are the NDP members suggesting that we should not discuss military and security topics in this House? That is certainly what it sounded like to us.

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, the member asked what might have been a rhetorical question when he said that he did not know how the NDP could weigh in on this debate. I just wanted to remind my hon. colleague that our party was the only party in this House that opposed Canada's mission in Afghanistan. That position was supported by over 50% of the Canadian population.

Over four million Canadians voted for us in the last election. That is why we are here. That is why we have every right to debate this issue in the House.

The member said that the U.S. is perhaps in a different place than Canada on this treaty. Let us just put it in perspective. There are four billion cluster bombs stockpiled around the world. The United States has a quarter of them. They are not just in a different place; they are in a different universe.

What the member is trying to say to us tonight is that we do not have any right to question their position. We just have an obligation to listen and adhere to their position. We are saying here, and we are actually saying it very clearly, that we support the treaty lock, stock and barrel. We do not support a way in which our position in the world is somehow compromised by this clause on interoperability.

Mr. Chris Alexander: Mr. Speaker, the member for Davenport says that we on this side do whatever the Americans tell us to do. I have news for him. He clearly has not been following the debate. The Americans are not signing this convention. We signed the convention. We are ratifying it. It is a sovereign decision by a Conservative government, and it is a good decision.

Second, the member says that the United States of America, and I think this one is really one for the record books, is in a different universe. What universe is it the member for Davenport is talking about? Is it the universe that does not include a country across the Niagara River, our closest ally with whom we do $2 billion in business a day, with whom the city he represents is integrated culturally, socially and economically in every possible way? Does he call that a different universe?

What greater measure, what greater indicator of a lack of respect for the United States, its role in the world, its role as an ally, in security and in military affairs could there be than to say that it is in a different universe?

I would like to close by simply reminding the NDP that with its position, opposing the combat mission in Afghanistan, it joined a grand total of zero governments of NATO countries. There were no NATO countries that failed to deploy to Afghanistan. It would have been the only one, and that is why it is not fit to govern. It will not govern. This government will do everything in its power to point out the absolute bankruptcy of the NDP on these issues.

● (1940)

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, we just listened to the parliamentary secretary tie himself into knots in his pretzel logic. He sounded more like a cheerleader for cluster bombs than an opponent of cluster bombs. He spent most of his speech justifying places where they maybe need to be used in the interests of some higher power. He sounded like he worked for the NRA, not the peace movement.

It is no surprise that the loophole clause is called chapter 11, because 22 is a multiple, and my colleague has a Catch-22 mentality about the banning of cluster mines that is worthy of Joseph Heller.

I was hoping there would be a serious debate on this issue tonight, because the country is watching. The country was optimistic that we might be taking some tentative measures to reclaim our position in the global community, much as we did when the whole nation got involved in the land mines treaty. School kids got involved. People were proud of our country and of the lead position that we took as part of the international community, whether it was led by Lady Diana or by others in our own country, such as Dr. Samantha Nutt and Lloyd Axworthy. They played powerful roles and made the country proud.

Instead, we took something that was virtuous and had great merit, and then sabotaged and undermined it. We are actually undermining and sabotaging the international community with this loophole clause.

Let me explain.

The parliamentary secretary is laughing. I do not think he realizes how bad he is making our country look with his shenanigans.

I do not know if he is responsible for the sabotage. I do not think he is that high up the totem pole in his rank. I am going to back up a second while he is still here, while we have his attention and while he is still lucid, because it is getting late and he may be reverting to the chitter-chatter that goes on to try to undermine any kind of meaningful debate in this place.

I will read clause 6. I am going to go through a few parts of it.

Clause 6 would meet the nod test with most Canadians and in fact would make most Canadians proud that we signed on to this treaty in 2008. Clause 6 states:

> —it is prohibited for any person to
>
> (a) use a cluster munition...
>
> (b) develop, make, acquire or possess, a cluster munition...
>
> (c) move a cluster munition...
>
> (d) import or export a cluster munition...
>
> (e) attempt to commit any act referred to in paragraphs (a) to (d);
>
> (f) aid, abet or counsel another person to commit any act referred to in paragraphs (a) to (d);
>
> (g) conspire with another person to commit any act referred to in paragraphs (a) to (d);...

All of that sounds great. It sounds very thorough and comprehensive that Canada will have no part of cluster munitions in any way, shape or form, including the manufacture, the shipping, the export, the sale, the handling or the use. We are out.

We are out until we go a few pages further, to a much larger clause that goes on for a full two pages. It is clause 11, which states:

> Section 6 does not prohibit a person...from
>
> (a) directing or authorizing an activity that may involve the use, acquisition, possession, import or export of a cluster [musician]...
>
> (b) expressly requesting the use of a cluster [musician]...
>
> (c) using, acquiring or possessing a cluster munition...

These are all the exceptions.

Clause 11 goes on to state:

> Section 6 does not prohibit a person, in the course of military cooperation...from
>
> (a) aiding, abetting or counselling another person to [use a munition]...

In other words, it gives a road map for all the ways that Canada can participate in the use of cluster musicians.

Did I say "musicians" again? That is what members are laughing about. I am a little upset, and they ought to cut me some slack because I have never been so disappointed, I do not think, in my 16 years here.

There are many things wrong with how this came before us, but I think it is absolutely tragic that we are missing this opportunity to accurately reflect the mood of the nation and engage in a robust denunciation of cluster musicians.

Now I am going to say it all the time.

Mr. Andrew Cash: I am going to rise on a point of order.

Mr. Pat Martin: As a member of the musicians union, my colleague from Davenport is probably profoundly offended. They do tend to cluster. They travel in groups because there is safety in numbers.

● (1945)

Let me back up and start over again somewhat.

We should take note, as I always do, that this bill is called Bill "S"-10. Let me begin by saying that I profoundly resent the fact that these bills are originating in the Senate. Nobody gave a mandate to senators to generate and create legislation. It used to be a rare exception that a bill came to this chamber from the Senate. In actual fact, even though we signed this treaty in 2008, the Senate got it in April 2012. Notwithstanding the urgency that the Conservatives would have us believe that this needs to be dealt with today and tonight, and that they even invoked closure to bring that about, it took four years before they even tabled it in the Senate, never mind the House of Commons.

The Senate had it from April until December 6, when it was introduced into this chamber. That is eight or nine months that they lollygagged along with it and did whatever with it they do over there, and on December 6 it finally got introduced here. Then on May 29, 2013, at 1:00 a.m., the Parliamentary Secretary to the Minister of Foreign Affairs stood up and spoke to this bill for about eight or ten minutes before adjournment occurred.

Sometimes that is all we need from the parliamentary secretary to foreign affairs. Eight or ten minutes is plenty.

We had 10 minutes of debate on this bill, a bill that I believe the whole country could and should be interested in for any number of good reasons. No sooner do we deal with it for 15 minutes than today we again get closure.

We ask ourselves how often the government uses closure on bills. The answer is that at every single stage of every single bill, we get time allocation and closure, which shuts down the debate.

If I can preface my criticism of this bill, I have to begin by criticizing its origin, which was in the other place, the Senate, where they have no business, no mandate and nobody elected them. They have no legitimacy in terms of generating legislation. They have no right to have first dibs at it for approval in principle, et cetera. When we finally get it here, it is already in this form as we have it.

I listened to a number of comments on clause 11 throughout this debate. It not only would give the escape clause, the loophole by which Canada could in fact participate in the use of cluster bombs in partnership with other countries that are not signatory, the most obvious one being the United States, but it would actually sabotage and undermine the integrity of the entire international operation.

I do not think people realize the full depth and breadth of what we are dealing with here. My colleague from Toronto Centre quite rightly pointed out, who is crafting our foreign policy? Who is dictating this kind of thing? This is not the will of Canadians. I can assure members that if they put this to Canadians in any kind of a full debate or information package or opportunity to comment, they would be horrified.

Our proudest achievements recently and in the last decade were, first, not going into Iraq. I guarantee that if the government of the day had been in power then, we would have been in Iraq. There is no doubt about it. The second was the land mine treaty. People felt good again about being Canadian.

Now incrementally, bit by bit, we have had our international reputation undermined to the point where commentators from around the world are wondering what the heck is going on with this country.

We have people like former Australian prime minister Malcolm Fraser saying, "It's a pity the current Canadian government, in relation to cluster munitions, does not provide any real lead to the world. Its approach is timid, inadequate and regressive." That is a pretty strong condemnation from a former prime minister of a Commonwealth country.

Earl Turcotte, former senior coordinator for mine action at DFAIT, the head of the Canadian delegation to negotiate the convention, said, "...the proposed Canadian legislation is the worst of any country that has ratified or acceded to the convention, to date".

● (1950)

We are not leading the pack anymore. We are not leading the parade. We are the guy behind the elephants with a push broom, following the parade.

Paul Hannon, the Director of Mines Action Canada, said, "Canada should have the best domestic legislation in the world. We need to make it clear that no Canadian will ever be involved with this weapon again, but from our reading, this legislation falls well short of those standards."

Our role as the international good guys, as the Boy Scouts of the world on many issues, is to elevate the standard of behaviour and performance. Maybe that means standing up on our hind legs to our American neighbour sometimes and saying, "We're with you. We're brothers-in-arms in almost every respect, but if you're using cluster munitions in this particular conflict, we're out. We have legislation in our country that doesn't permit us to go anywhere near it".

That may in fact give pause to those countries that have yet to ratify. They may realize that there is a cost, a price to pay, if they are not going to join the international community in its growing condemnation of these cluster munitions.

The horror of them is well known and has been well documented by many other speakers. I would be the first to admit I am not an expert in foreign affairs, but I do have a innate gut sense, I believe, of right and wrong, and in this case we are dead wrong. I am embarrassed by our position on this piece of legislation and I am not trying to overstate things.

I hear the chatter over there. I hope they are proud of themselves. I do not know how they ever came to this point of view. Who was pulling their strings? Who would even devise and design this clause 11 to so thoroughly contradict the letter and the spirit of the law?

Surely that is our obligation when we enter into an international convention or treaty. We commit ourselves. We stipulate ourselves to both the letter and the spirit of the law. We promise to uphold that, to propagate it, to promote it and advocate it. That is how these things spread, by the leadership of enlightened western developed nations like Canada in elevating the standard of behaviour even in the event of armed conflict.

The prohibitions include to "...receive, comfort or assist another person, knowing that the person has committed, or has aided or abetted in the commission of, any act". Those were described earlier, and this is how contradictory it is: it is even an offence under this bill to lend succour or support to anyone who is participating in any of those mentioned offences, yet clause 11 clearly states that we can be standing side by side with the person who is offending these points in clause 6. They are not stipulated to the convention.

Therefore, we can help them. We can carry the material for them. We can deliver it to them so that they can bomb people with it. We can do virtually anything to aid and abet our NATO colleagues in the United States.

Mr. Brian Storseth: Give me a break.

Mr. Chris Alexander: That is not true.

Mr. Pat Martin: Well, that is my reading of it. I would be interested to hear how my parliamentary secretary colleague would say that I am wrong, because the understanding of any objective outsider reading this would be that there are exemptions and loopholes here that one could drive a truck through. It makes a mockery of the entire initiative in both the letter and the spirit of the law.

I am saying this trying not to be inflammatory, but the only reason that the Conservatives could possibly find to move time allocation and closure on this particular debate is that they would be embarrassed if school kids and activists around the country got wind of it and laid their eyes on this unworthy document and were aware that we were going to be facilitating those who use cluster munitions.

Never mind participating in the ban. We may in fact dispose of our stockpile in our country, but we have full permission to do anything necessary to enable countries that do have a history of using them regularly to carry on using them.

● (1955)

One of the most moving things I ever saw was when I had the opportunity to go to Geneva. There is a statue of a kitchen chair in Geneva twice as big as the Speaker's throne. I would say it is probably 30 feet high, with one leg blown off and simply splintered. It became the international symbol of land mines. It captured the imagination of the whole international community, I believe. It serves as a stark reminder that there are some things we just will not tolerate.

Again, as other speakers have mentioned, the face of warfare has changed so dramatically that it really becomes a game of who is willing to sacrifice the most civilians and not necessarily armed combatants. It is not necessarily soldiers versus soldiers any more, but how much brutality one is willing to cope with before one yields. That is the nature of war, and the victims of war are more often civilians and innocent bystanders.

It is cluster munitions perhaps more than anything else, now that land mines are being eradicated and remediation is under way to clear the hundreds of millions of mines that have been placed around world. Now the world has turned its sights on cluster munitions to rid us of this scourge, yet Canada is not doing its part. We are not pulling our weight. We are falling short and dropping the ball. We are failing innocent civilians around the world by not speaking out and not using everything possible to denounce, deter, restrict and move toward a global outlawing of these cluster musicians.

Therefore, clause 11 is why we will oppose the proposed legislation at this stage. We do not believe we could even support it in principle. I am sure politics will be played with this. The Conservatives will be putting out press releases saying that the NDP has voted against banning cluster munitions. I am sure they will play that game, but this is one of those debates that needs a more extensive treatment, because we can point back to the Conservatives as kowtowing to some greater master, somebody who is pulling their strings and telling them not to pass the legislation without leaving this mega-loophole in.

At committee, there will be an attempt to delete clause 11, or at least modify it so it does not undermine and completely destroy the intent of the international Convention on Cluster Munitions. I am sure this may not even occur until after we come back in the fall. I doubt very much we will have the opportunity between now and adjournment to give this proposed legislation the complete treatment it deserves.

The Conservatives have been moving closure at every stage of every bill. They have also been manipulating committee. Our parliamentary democracy is in tatters. It is really only a facsimile of a democracy that we have left. All the checks and balances to ensure there is some ability to accommodate the legitimate concerns brought forward by members, other than the actual authors of the bill, have been eradicated.

We are getting pretty tired of this winner-takes-all attitude that the Conservatives have exhibited. I am surprised they play this kind of cheap, petty politics with such a significant humanitarian initiative. It disappoints me, and I say that in all sincerity. I do not even feel like yelling and screaming about it. It makes me sad more than angry.

● (2000)

Mr. Chris Alexander (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, it is extraordinary to be accused of praising a very dangerous munition. As part of a series of speeches on this side, we spoke in support of a convention to ban that munition, which has never been used by the Canadian Forces. Very limited stockpiles within the Canadian Forces are already on the way to being destroyed.

Let me remind the member opposite that this is a measure brought in by this Conservative government. The member opposite spent most of his speech calling for a convention on the total prohibition and ban of cluster musicians. He does not realize that this will lose the NDP members a lot of votes, the few votes they have left in the city of Toronto. The member for Davenport and the member for Timmins—James Bay would be affected. It could be the collapse of the party. We are not here to champion that move tonight. We may champion it later.

The only person he could cite in favour of his position was a former Australian politician. Does the member know that Australia, too, has its version of clause 11? It, too, has an exception because it does combat operations with the United States. It wants to continue to be interoperable with the United States.

Does the member opposite understand that the United States still uses these weapons, much as we may regret that fact? It does not use land mines.

Finally, does the member acknowledge and support the fact that Canada is a member of NATO and Norad? Does he support those alliances?

Mr. Pat Martin: Mr. Speaker, I certainly would not call for a total ban on musicians. I could perhaps be some musicians. Bagpipes come to mind. Some people say that the best use for bagpipes is to use them as kindling for a bonfire of accordions. That comes to mind as well. I do not mean to offend any cultural or ethnic group. There are a lot of Scots and Ukrainians.

Ninety-eight percent of the victims of cluster bombs are civilians, not military. I know Canada is going to destroy our limited stockpiles. I also know the United States has no intention of doing so.

The parliamentary secretary might think I spent a lot of my speech bashing musicians, but he spent a lot of his speech as a cheerleader, a champion and an advocate of the sometimes unfortunate necessary use of cluster bombs. It was a disgrace.

We listened on this side and we could not believe our ears. He was tying himself in a knot with some kind of pretzel reasoning, saying that the Conservatives wanted to ban cluster bombs, but sometimes when it was necessary to use them, they could not block their use by allies in NATO. We do not have to carry and deliver them as is contemplated in this clause 11. We do not have to facilitate them or help them promote the use of cluster bombs.

With a clear denunciation, maybe even our colleagues and our partners like the United States might take note that an enlightened country like Canada will not tolerate it.

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, I want to rise in defence of all musicians in the House.

Let us just bring it back to cluster munitions. We hear the government side blithely say that it supports the banning of cluster munitions. What I would like my hon. colleague from Winnipeg Centre to comment on is that if the government is so steadfastly in support of this treaty, which we are, why would the chief negotiator say in the media that he was removed from the job partly because of objections from senior U.S. officials to his aggressive stance in the talks?

That raises this question: who is driving the ship on foreign policy for Canada if the chief negotiator was removed because of complaints from the U.S. side? Could my colleague respond to this query?

● (2005)

Mr. Pat Martin: Mr. Speaker, my colleague is quite right to raise the issue of sovereignty. It does raise the question as to who was pulling the strings if the senior negotiator on behalf of Canada resigned or was fired because he did not approve of this clause. It is a worrisome thing.

Mr. Earl Turcotte said, “The proposed Canadian legislation is the worst of any country that has ratified or acceded to the convention, to date”. That is pretty strong language and is pretty clear that something went terribly wrong. We entered into this with great hope and optimism that it would be something of which we could be proud.

Canada's stance at these negotiations is usually on its knees. The great appear great when we are on our knees. There is a saying we have, “Let us rise and stand up on our hind legs and declare ourselves as a sovereign nation in these negotiations and put our foot down and say this is the way we are doing things in this country, take it or leave it. We will work with you, we will trade with you, we will even fight with you, but if you are going to use cluster munitions in this particular field of combat, we are not there”.

That would be a position I could be proud of, and it would meet the nod test of most Canadians.

Mr. Bob Dechert (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, the hon. member mentioned Mr. Earl Turcotte a couple of times tonight. I wonder if he is aware that Mr. Turcotte was a negotiator for Canada at the cluster munitions convention. In fact, he attended all three meetings of the convention negotiations and was very intimately involved in the negotiation of article 21, with which apparently he now disagrees.

Could the member tell us if he understands that Mr. Turcotte was involved with those negotiations, specifically with negotiation on article 21, and did not object to it at the time when he was involved in the negotiations, and that Canada is simply implementing now the convention that he in fact negotiated on behalf of Canada?

Mr. Pat Martin: Mr. Speaker, I am not sure that we object to article 21 either. It is clause 11 that we find particular fault with. Article 21 states, "Each State Party shall encourage States not party to this Convention to ratify, accept, approve or accede to this Convention". That is a good deal. "Each State Party shall notify the governments of all States not party to this Convention...of its obligations...shall promote the norms it establishes", et cetera. That is a good deal.

Article 21 of the actual convention I think we are probably in agreement with. It is clause 11 of the legislation put forward in Bill S-10 that we find fault with, the domestic legislation that completely undermines the spirit of article 21 of the actual convention.

Mr. Chris Alexander: Mr. Speaker, the member for Winnipeg Centre did not answer my question earlier, which was this. Does his party support our membership in the alliances that have brought us security since the Second World War, the North Atlantic Treaty Organization, the North American Aerospace Defence Alliance based in Colorado Springs, part of it based in the member's hometown of Winnipeg?

He has already given us his answer. He spoke about cleaning up after the elephant. That is exactly the NDP's policy on defence and security. The New Democrats do not want an active role for Canada. They do not want us to have armed forces that are capable. They do not want us to be interoperable with our allies, because they just want security to happen. They want others to look after it. They want to wake up in the morning and find out that everything is all right. The world is not like that. The member should know better. He should know we have obligations in the world.

Will he not confirm once and for all in the House that he supports our basic alliances that have kept us safe?

Mr. Pat Martin: Mr. Speaker, we believe that the use of cluster bombs is morally and ethically reprehensible and we will not tolerate any weaseling away from that position. We will not be the boys who carry the cluster bombs for the Americans to drop. We will not do it. We should not be allowing people to manufacture them here or to send them across our borders to the United States.

It raises this question: who is shaping our foreign policy? That is the question Canadians want answered. On this whole idea that the Conservatives will try and paint themselves as the ones who are trying to rid the world of cluster bombs, let me say one thing: villainy wears many masks, but none so treacherous as the mask of virtue. That is what I accuse the Conservatives of.

● (2010)

Mr. Brian Storseth (Westlock—St. Paul, CPC): Mr. Speaker, it is an honour to be here tonight to talk about such an important piece of legislation as Bill S-10. It is truly a piece of legislation that I have been waiting for since pre-2008.

I am a little disturbed to hear the type of dialogue that has been going on in the House. This is not only a good piece of legislation, but is an important piece of legislation for us to ratify and to move forward on. We want to maintain Canada's standing in the world and our history of being a strong country. Whether it is land mines and the Ottawa treaty or cluster munitions, it is important to note that we have been part of this cluster munitions discussion since the beginning of the Oslo process.

As the member of Parliament for Westlock—St. Paul, it sometimes can be seen as a bit of yin and yang when it comes to the issue of supporting the eradication of cluster munitions to many people who are not educated on the issue. I represent two of the largest tactical military bases in our country, 4 Wing Cold Lake, the tactical fighter squadron, and Edmonton Garrison.

However, when we talk to the men and women of the Canadian Forces, they agree with this legislation because they believe that we need to give them the best arms possible that target the enemy and not civilians. As members on both sides of the aisle have said today throughout the rigorous debate that we have had, cluster munitions, unfortunately, target civilians.

The use of cluster munitions has had a profound impact on many countries because it is an intermittent use. We cannot ask the offending country or the offending state or the offending terrorist organization to give us a map of where it used them because they are dispersed throughout an area where, ultimately, young children and farmers end up becoming the victims months, if not years, afterwards.

As I said before, I have to thank my wife for bringing this very important issue to my attention back in 2008 when it was happening in Lebanon, as it has happened in Serbia, as it has happened Vietnam, as it has happened in Nicaragua. When we have had the opportunity to talk to victims of cluster munitions, young children who picked up that little pink ball thinking it was a toy and it blew up and took off an arm or a leg, it is something that we cannot help but feel passionate about. It is something that we cannot help but say, that it is wrong and we need to fight to ensure that it changes.

We go back and think about the time, 2008-2009, when Mr. Turcotte was negotiating on our behalf, as one of the delegation. We were looking, as Canadians, at the ups and downs. We did not know if there would even be enough countries to bother ratifying this, to come to the process at which we are today. It seemed like a bit of a dream to get to the point where we, as a country, were ratifying, where we had over 100 countries on side, and where we could honestly look to putting pressure on those countries, having the social licence to put pressure on those countries that had not ratified.

I look at this legislation. Is it perfect? Is it everything that we could have dreamed about in 2008? No.

However, as we went through the steps I will talk about today, it is a very good piece of legislation. It would have an impact that would make a significant difference, and would reduce the amount of cluster munitions used in the world today. I think that is a very important step. I think that anybody who opposes that has not done their due diligence in looking at this and saying, we cannot have it all, but we can sure start with this piece of legislation, with the Oslo treaty. Being able to move forward from here is a great starting point, not only for Canadians, but in particular for those third world countries that have been affected by the harmful use of cluster munitions.

As members before me have already stated, Canada participated actively in the negotiations on the Convention on Cluster Munitions, and we were one of the first countries to sign on to it, in 2008.

● (2015)

As we prepare to return home to our constituencies this summer, it is extremely important that we move this legislation forward as quickly as possible. Bill S-10 is a necessary step that brings us closer to ratification.

Let me emphasize this fact. When I first started lobbying the Minister of Foreign Affairs, we needed to make sure that we ratified this, that Canada continue its international reputation as a leader in the area of land mines and cluster munitions. I was proud of the support that I received from the Minister of Foreign Affairs, but at the end of the day our country has gone through numerous minority governments. We have now finally got into a strong, stable Conservative majority government that has allowed us to take on some of these important issues.

I am happy to sit longer into June so that we can make sure that this not only gets voted on in the House of Commons but gets royal assent. It is important that we maintain our reputation around the world. As Canadians, we are expected to be leaders. Let nobody in this House say otherwise. We have been leaders throughout this entire process. We were one of the first countries at the table. We were one of the first countries to push our NATO allies, as the parliamentary secretary of defence talked about earlier. We have been one of the leaders. It is because of the credibility and the bloodshed of our men and women of the Canadian Forces that we have that credibility with the Americans, with the British, with the Australians, with all of our allies to say we have been there and we want to move the ball forward when it comes to the elimination and ratification of cluster munitions.

Explosive remnants of war, including those caused by cluster munitions, are a grave humanitarian concern. Cluster munitions are deployed from the air or ground with some types able to release dozens or even hundreds of smaller submunitions quickly, covering a large area.

Cluster munitions pose a significant threat to civilians, not only during attacks but particularly afterwards when they fail to detonate as intended. Unexploded bomblets can kill and maim civilians long after conflicts have ended, especially in densely populated areas. Tragically, many cluster munitions casualties are innocent and unknowing children. Unexploded bomblets can also hinder access to land and essential infrastructure, curbing the development potential of entire communities.

As I have been advocating for this legislation for many years, I have had the opportunity to talk to children and farmers who have been in their groves or in their fields and picked up what they thought was a toy only to find that it was a harmful explosive device that, unknown to them, would end up causing them severe damage.

We should be proud of the work that we have done in Canada. We should be proud of the fact that we are consistently in the top ten, if not the top five, when it comes to donating money to countries regarding land mines or cluster munitions. We should be proud of these accomplishments that we have consistently made from 2005, 2006 and onwards.

I find it quite offensive to hear members of the opposition stand up and say that we should not ratify this because it is not perfect and is not exactly what somebody has told us we need to do. Quite frankly, as I listen to them, I realize that most of them have not taken the time that their former leader Alexa McDonough did to understand the importance of ratifying this treaty. I looked at the member from Winnipeg as he talked about this. He sat in the same caucus as Ms. McDonough. Did he not understand from her and her passion the importance that we as a country move forward quickly on this?

Our government's commitment to the protection of civilians against the indiscriminate effects of explosive remnants of war is well established, with Canada traditionally in the top ten donors and often in the top five.

Since 2006, we have contributed more than $200 million to over 250 projects with respect to this global effort. For example, our efforts have provided over $1.5 million for the Organization of American States to support mine clearing in Nicaragua, which, with the support of other donors, helped to clear 179,000 landmines planted during the internal conflict in Nicaragua in the 1980s. As a result, in 2010, Nicaragua declared itself mine-free. Its mine-free status made Central America the first post-conflict region of the world to become mine-free.

● (2020)

Building on this momentum, we are proud to be part of the international effort to rid the world of cluster munitions. Recognizing the harm that cluster munitions cause civilians, inspired by the Ottawa convention, the international community began in 2007 to negotiate a treaty that would ban cluster munitions. The resulting Convention on Cluster Munitions prohibits the use, development, production, acquisition, stockpiling, retention and transfer of cluster munitions.

In the government's view, the treaty we signed and are now working to ratify strikes the right balance between humanitarian considerations and the continued ability of states parties to protect their national security and defence interests. Indeed, the convention reflects Canada's efforts during negotiations to ensure the right balance between the commitment to eliminate the use of cluster munitions based on humanitarian concerns and the need to protect our legitimate and important security considerations. Canada has never used cluster munitions. We would have agreed to a complete ban on them, but it was clear from the outset that this was simply not a realistic option.

Given the positions of other countries, it would not have been possible for Canada to ratify an immediate and complete ban since other countries we co-operate with militarily were not prepared to do the same. Would we have preferred that all countries sign on to the convention? Would we have preferred that all countries had the principled stance and the ability that Canada has had? Yes, of course, but unfortunately some of our closest allies did not sign on. In that context, the best way to eventually end the use of munitions is to allow countries like Canada to renounce their use and join the treaty while maintaining the ability to co-operate with allies that choose not to join.

Throughout the preparatory phases and during negotiations on the convention known as the Oslo process, a number of states insisted that the new treaty needed to contain provisions permitting the continued ability to engage effectively in military co-operation in operations with countries that did not sign the convention. We negotiated for the eventual elimination of these weapons, but also recognized that not all states would be in a position to immediately join that convention. In a context where multilateral, military co-operation operations are crucial to international security, again this was not exclusively a Canadian position but one shared by other countries, particularly our allies.

Article 21 of the convention is the resulting compromise, which recognizes that allowing states parties to conduct military co-operation in operations with states not party was the best way to ensure as many countries as possible join the convention. Without article 21, fewer states that possess cluster munitions would have agreed to join us and commit to eliminating their stockpiles and use of weapons.

There has been a lot of talk about the people who negotiated this treaty today, but I can say that, sitting in the room with those people in briefings and asking them questions, they felt as I did, that article 21 was essential to ensuring that this treaty was a success. It is easy to have hindsight, to look back and see that something is not perfect, but at that point in time this was the only path that was seen forward, not just for Canada but for the entire process. While appearing before the foreign affairs committee in the other place, the Minister of Foreign Affairs said:

> ...we have to deal with the reality of the world that we live in. With this, if we had zero tolerance, we would probably get zero results. I think what we have is the capacity that Canada will not use these weapons, will not acquire them and Canada will eliminate its stockpile. That is a good accomplishment; 110 other countries joining us in doing that is more accomplishment. Hopefully, each and every year we can get one or two or more countries, and we can see a time when it will not be necessary for any country to want to possess let alone use these kinds of weapons.

● (2025)

The compromise established by article 21 is found in clause 11 of the prohibiting cluster munitions act. Since the convention calls for the use of penal law, it is necessary to ensure that members of the Canadian Forces and associated civilians who participate in military co-operation operations as permitted by the convention will not be subject to criminal liability for otherwise lawful activities in the service of our country. This protection would be achieved through exemptions from prohibitions. Our government has been clear that we will not jeopardize the ability of our men and women in uniform to do their jobs or what we ask of them in the interests of our country.

Let me be clear. The exclusions in clause 11 do not permit or authorize any activity; they simply exclude these activities from new criminal offences that Bill S-10 would create. If these exclusions were not included in the act, there would be potential criminal liability for a wide range of frequent and lawful military co-operation activities with our closest allies, in particular, the United States. It does not intend to join the convention in the near future, and from my experience I do not expect it to. Obviously, it would not be fair to expose Canadian Armed Forces members to liability for doing their duty in the service of our country when participating in co-operation on operations with states that are not party to this convention.

To bring this to a real-world example of only a few years ago, if Canadian Forces personnel had been in a firefight in Afghanistan, they would have had to call air support from the United States of America, their military allies, who then could use cluster munitions. It is not fair to expose Canadian ground forces to being subject to penal law because their allies use this. It is very important that we not only look at it in context of treaties, but how it would affect men and women on the ground in the Canadian Forces who are risking their lives every day that they go beyond the wire.

It is important to note that the exclusions in clause 11 are carefully limited to activities that are committed by the convention itself and are necessary for effective military co-operation and operations. They only apply to persons who are engaged in activities related to military co-operation operations involving the Government of Canada. They also do not detract in any way from other applicable legal obligations on the part of members of the Canadian Armed Forces, including those established by existing international humanitarian law. The bill would create specific offences related to cluster munitions, and exceptions to those offences. However, nothing in the bill affects any other existing offence. If something is a crime today, it will still be a crime if and when Bill S-10 is enacted.

Members of the Canadian Forces will be fully subject to the prohibitions on the use of cluster munitions, in the same way as any other Canadian, unless they are engaged in a permitted form of military co-operation with a state that is not party to this convention. When members of the Canadian Forces are engaged in this type of co-operation, they are still prohibited from using cluster munitions if they are in exclusive control over the choice of the type of munitions they want to use. It is only in circumstances where that choice is partly or entirely under the control of the other country that the offences will not apply to Canadian Forces personnel.

I have been involved in this process, from a Canadian perspective and from a parliamentarian perspective, right from the beginning. As someone who has consistently lobbied and worked hard to make sure that not only the Canadian public understands the importance of this process, but the Government of Canada understands, I am very happy to see the steps that have been taken by the government to get this legislation quickly passed through the House of Commons. We will be able to stand up and say that once again Canada has taken the lead. Once again, Canada has asserted its moral authority to ensure we are a country that stands up, not only for countries, but for people who are less fortunate and need our support, our strength and our convictions. We can ensure that we, as a country, continue to be a leader when it comes to land mines and cluster munitions.

● (2030)

[*Translation*]

Ms. Paulina Ayala (Honoré-Mercier, NDP): Mr. Speaker, my colleague spoke about our soldiers who go to war-torn countries to assist and protect these nations. He referred to certain articles and clauses.

I am particularly concerned about the children who die in these countries. Soldiers are adults who settle in a war-torn country. I am worried about the child who starts playing with what he thinks is a tennis ball, for example, only to have it blow up in his face. I would not want my children, here in Canada, to stumble upon a bomb like that.

Imagine that happening. Imagine if we found a bomb in our local park. We would cry from the rooftops and declare hell on earth. We would say that it was impossible, unacceptable.

Is that humanitarian aid? Is that the kind of assistance Canada wants to give? That really shocks and concerns me.

International humanitarian law prohibits parties in a conflict from inflicting needless wounds and suffering. It is important to distinguish between military objectives, civilian property and people's lives.

Using weapons that strike indiscriminately is a violation of international law. Cluster munitions impact hugely on civilian populations even post-conflict. Over half the victims of cluster munitions are children who stumble on unexploded sub-munitions.

Does my colleague agree that this weapon should be totally banned, and does he think that actions speak louder than words. You cannot look after other people if you do not know how.

[*English*]

Mr. Brian Storseth: Mr. Speaker, I would ask the member to please put down the talking points and listen and engage in the dialogue that I have presented in the House of Commons. I mentioned the children at least three times. I have actually talked to children who have been victims of these cluster munitions.

When we talk about this and think about it in the context of the children, and when we think about it in the context of people who are today being affected by cluster munitions, this is legislation that I would certainly advocate time allocation for, to get it through the House of Commons as quickly as possible.

I do not understand how the members opposite can sit there and talk about process issues while those children they pretend to stand up and defend, and will potentially vote against, will be affected by this. The quicker we get this legislation through, the better we will be.

Is the legislation perfect? I do not think that any piece of legislation is perfect. However, certainly this piece of legislation is a significant step forward, and without it our country will not be one of the ratifying members. It is important that our country becomes one of the first members to ratify this legislation.

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, my hon. colleague speaks with great compassion on this issue. We have more or less indicated that we would support the bill going to committee.

I have two questions. One is on the issue of being open to amendments to ensure that some of the issues we have, and I suspect some of the issues the official opposition has, have the chance to be thoroughly understood and debated.

The second question is on time allocation. The Conservatives have introduced time allocation over 40 times. For the hon. member to suggest that the bill merits more time allocation than any of the others, the Conservatives have had time allocation on many bills that we all supported, when there was absolutely no reason for time allocation. I certainly expected that the Conservatives would use time allocation on this one as well.

However, it is a very important issue, and I would like a commitment from the member. Is he open to amendments? Would the government be open to amendments? Will the Conservatives actually allow all of us in the House to thoroughly debate something that is this important?

● (2035)

Mr. Brian Storseth: Mr. Speaker, I may be mistaken, but I think time allocation has already been put in place on this legislation.

The member is a very respected member of the House of Commons. She has been a minister in a government, and she understands that I cannot dictate whether amendments would be seen or not. If the opposition hopes to bring forward amendments to this, I hope they make sure it is done in an open and transparent way so that we could all have an opportunity to talk about it. However, if the only amendment that would be brought forward is the amendment on interoperability, I think the point has been made very clearly, not only by the Government of Canada, but by many of our allies across the world, that this is an important component. Without the interoperability article 21, we would not have the Oslo treaty; we would not have 110 countries on side.

It is with the 110 countries on side that we get the moral authority to press others to make sure they become engaged in this, to make sure they sign on and do their part in ratifying and becoming part of this process.

It is very important that we move this legislation quickly through the House of Commons, that we move it through to royal assent, so we can continue to be one of the leaders when it comes to issues of land mines and cluster munitions.

Mr. Bob Dechert (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, my hon. colleague clarified a number of things for me, which I thought was very good and comprehensive.

When the NDP member for Winnipeg Centre was speaking a little earlier and I asked him a question about article 21, of course he failed to read the most important provision of article 21, which is clause 3. I assume he did that on purpose. It states:

> Notwithstanding the provisions of Article 1 of this Convention and in accordance with international law, States Parties, their military personnel or nationals, may engage in military cooperation and operations with States not party to this Convention that might engage in activities prohibited to a State Party.

I have a question for my hon. colleague. It is a fact situation that I would like to suggest to ask how he thinks the legislation that might have been proposed by the NDP would treat Canadian Forces in this situation. For example, what would happen if a Canadian ground commander, in a place like Afghanistan where they are operating with other countries—

The Speaker: Order, please. I am going to stop the hon. parliamentary secretary to allow the member for Westlock—St. Paul to respond. I know there are other members who are interested in asking questions.

The hon. member for Westlock—St. Paul.

Mr. Brian Storseth: Mr. Speaker, I note that in the parliamentary secretary's question he talked about Mr. Turcotte as being one of the lead negotiators for Canada on this. I know Mr. Turcotte well; I consider him a friend. I know where his heart is on this. However, at the end of the day, I believe that everybody involved in this understands the importance of Canada ratifying this treaty so we can continue to have a leadership role in the world.

I represent, as I said earlier, two Canadian Forces bases. The men and women of the Canadian Forces are happy that Canada has not only never used cluster munitions but is destroying the remaining stockpile that we have. It is only from that point of moral authority that we can continue to pressure other countries to follow the great example that is Canada.

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, I want to ask the member a question. He said we have to pass this bill in a hurry. He said he is happy that time allocation was put on it, which means we cannot discuss it in-depth. The same thing will happen at committee when the government wants to move a bill that quickly. Is he discouraged with his own government that we have been waiting since 2008 and we needed the Senate to bring the bill to the House? If it was that important, why did the Conservatives have to wait for the Senate to bring it in? Now that the Senate has brought it in, the elected members of Parliament cannot take the time to discuss it and do the real job that needs to be done. Is he not ashamed of the way his own government is acting on this bill?

● (2040)

Mr. Brian Storseth: Mr. Speaker, what I am ashamed of is that the members on the other side continue to talk about process issues instead of the children who are affected by these cluster munitions. New Democrats would rather talk about process issues than making sure a treaty is ratified that is not only important to Canadians but specifically people in other countries who have been affected by cluster munitions.

I am disappointed that the opposition continues to want to talk about its lack of influence on the government. Quite frankly, I do not know care whether it was the other place that brought it forward or the House of Commons. I care that this is good legislation that needs to be passed so we can continue to be a leader in this area.

I know the member from the other side is a strong and respected member. However, I submit that he has been caught up in process rather than actual results for people around the world, particularly the children in Serbia and Lebanon who have been affected by these munitions.

[*Translation*]

Ms. Annick Papillon (Québec, NDP): Mr. Speaker, I would first like to say that I have the honour of sharing my time with the formidable member for La Pointe-de-l'Île, who does an outstanding job as deputy foreign affairs critic. We in the NDP will never be grateful enough to her. We are fortunate to have her.

I am happy to speak about Bill S-10, An Act to implement the Convention on Cluster Munitions. There is no doubt that I would prefer to talk about climate change, investment in social housing or respect for the French language, since those subjects would appeal much more to the people in my riding, Québec.

However, we are here to talk once again about security. On the other hand, we will not be discussing the $3.1 billion lost in the fog, which the government is unable to justify. In the struggle against terrorism, how was it able to lose $3.1 billion? It is funny, by the way, because I do not know anyone who loses $3.1 billion for no reason.

With regard to Bill S-10, it is important to remember that cluster munitions are weapons that release hundreds of explosive devices over a wide area, within a very short time. They have a devastating effect on civilian populations that can last for years after conflict ends.

Handicap International reports on its website that since 1965, 16,816 victims of cluster munitions have been registered worldwide. Sixteen thousand eight hundred and sixteen. However, many accidents have not been reported, and the international observatory monitoring cluster munitions—Observatoire mondial des sous-munitions—estimates that the actual number of victims is somewhere between 58,000 and 85,000. What is more fascinating, or deplorable, I should say, is that 98% of the victims of cluster munitions are reportedly civilians. Ninety-eight per cent. In other words, these weapons essentially target civilians.

In February 2007, noting that for decades, civilians had suffered whenever cluster munitions were used, Norway launched the Oslo process. Representatives of a number of countries supporting the development of new rules for cluster munitions met at a conference in Oslo. That was where the Convention on Cluster Munitions was born. This international disarmament treaty totally prohibits the use, production, stockpiling and transfer of such weapons and provides for their removal and destruction. It is as simple as that.

In 2008, Canada joined 108 countries in signing the treaty designed to prohibit cluster munitions. The agreement came into force in 2010 and has been ratified by 83 countries. Unfortunately, the United States, China and Russia did not take part in the process and continue to stockpile cluster munitions.

Since 2008, extensive discussions between the Department of Foreign Affairs and International Trade and the Department of National Defence have led to the promotion by Canada of a position that is broadly perceived as mirroring that of the United States, yet the United States possesses one-quarter of worldwide stocks of cluster munitions, which means about 4 billion bombs. Thus, the Canadian government has been delaying ratification of the treaty for more than four years now. It has thus waited all these years under a Conservative majority government. It is just as important to say that, too. It was not the NDP. Oh, no.

Today I rise in this House to oppose Bill S-10, because in reality, it is not an attempt to ratify the Convention on Cluster Munitions, but rather an attempt to build in exceptions. That is where the difference lies. We should stress that difference and understand it well, despite the last comments I heard from my colleagues opposite.

During the Senate hearings, numerous witnesses urged the federal government to amend the legislation. According to various academics and former disarmament officials, Bill S-10 would put Canada in violation of its obligations under the Convention on Cluster Munitions. It is important to state that, too.

● (2045)

Earl Turcotte, who led the Canadian delegation that negotiated the Convention on Cluster Munitions, resigned in protest against Canada's attempt to impose a weak enabling act, because that is exactly what this is. As Mr. Turcotte put it, the legislation proposed by Canada is the worst of any country that has ratified or acceded to the Convention on Cluster Munitions to date.

In fact, the Canadian law and penalties will be the weakest—one would think it was the law on mines that was being discussed—of all the countries that have signed the convention.

Nevertheless, if the government is short of good reasons for taking a hard line with respect to the use of cluster munitions, it should consider the fact that in 2006, 22 members of the Canadian Forces were killed and 112 others wounded in Afghanistan. Why? Because of anti-personnel mines, cluster munitions and other kinds of explosive weapons.

Bill S-10 has some significant omissions that could have fatal consequences for civilians. If the bill is passed in its current form, in fact, it would allow the Canadian Forces to help countries that have not signed the convention to use cluster munitions. That is the weakness of a bill like this. In some circumstances, the Canadian Forces could even use such weapons. Moreover, the bill does not state clearly that investments in this area are prohibited.

According to Senator Roméo Dallaire, Bill S-10 is flawed and puts members of Canada's armed forces face to face with a horrific moral and ethical dilemma. He said that the bill proposed by the government does not respect the spirit of the convention.

In fact, Bill S-10 will invalidate the convention rather than implement it. Once again, the government is moving backwards. Bill S-10 manoeuvres around the treaty's provisions and allows Canada to aid and abet the use of cluster munitions.

Thus, the Government of Canada has completely abandoned its international responsibilities and given in to pressure from the United States, yet other countries such as Australia and New Zealand that are also allies of the United States stood up and ratified the convention without this kind of exception.

Former Australian Prime Minister Malcom Fraser said:

> It is a pity the current Canadian government, in relation to cluster munitions, does not provide any real lead to the world. Its approach is timid, inadequate and regressive.

It reminds me of the government's stand on climate change.

This is not the only arms treaty where the government has revealed itself to be timid, inadequate and regressive. Throughout the negotiations on the international arms treaty, an agreement that would end the global trade in conventional weapons, the Conservative government has maintained its unco-operative position.

In the end, we in the NDP have no other choice but to oppose Bill S-10, because its intent is not to ratify the convention as it should. It is a clear attempt to create a loophole. The Conservatives try to wiggle out of their responsibilities again and again. This is nothing new. We are getting familiar with it, after all these years.

The Conservatives must stop trying to undermine the international agreements to control the arms trade. In addition to weakening peace efforts, an unregulated arms trade leads to increased violence in conflict zones and even more civilian victims. Hundreds of thousands of people are killed every year because of armed conflicts. The Conservatives simply drag their feet or put forward legislation that is misleading—nasty, in fact.

It is unacceptable, and I hope that the government will finally decide to work with the NDP, the conscience of Parliament, at the committee stage, in order to make the necessary amendments to Bill S-10, so that we can move ahead with this convention, without all the detours the Conservatives have planned.

● (2050)

I have one interesting fact here: more than half the victims of cluster munitions are children, who are particularly attracted to unexploded sub-munitions.

[*English*]

Mr. Bob Dechert (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, the member mentioned Mr. Turcotte. I wonder if she could comment on an article in which he was quoted in the *Embassy* newspaper.

It stated:

> ...there was no getting around the fact that, at least for the foreseeable future, Canadian soldiers would be operating in life and death situations with countries that do use them, notably the U.S.

The article then quoted Mr. Turcotte:

> "I have the greatest admiration for what they are doing", Mr. Turcotte said of the Canadian Forces, "and the last thing any of us wanted to do, myself included, was put Canadian soldiers at risk."

The article further went on to say:

> "I did my best to make the case and to provide assurances that if we did participate in this," he said, "that we would negotiate an agreement that would protect the capacity of Canada to continue to work with our allies, whether or not they became party to this convention."

I wonder if the hon. member could comment on the quotes from Mr. Turcotte and relate them to article 21 of the convention.

[*Translation*]

Ms. Annick Papillon: Mr. Speaker, it should be remembered that Mr. Turcotte resigned in protest against Canada's attempt to push through a weak implementation bill.

And that is what it is: a weak bill. That is the problem. Do not tell me all about the convention. The problem is that the Conservatives are using underhanded means to reach their goals. Everyone believes that cluster munitions ought to be eliminated, but we must ratify the convention properly.

We are being criticized by international experts because we do not respect international agreements the way we should. It is seriously damaging to our international reputation, and I am very proud of that reputation.

[*English*]

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, the hon. member put some of this debate into context.

I want to just underline, for those who are watching this at home and for some people who are in the House participating, that we support the Convention on Cluster Munitions. We just do not support making an exception to it, which appears to be the case in this bill.

We have to put this in context. The government decided not to run for a Security Council seat. It dragged its feet on the small arms control agreement. It pulled out of the UN anti-drought convention. Now it is including an exception to the Convention on Cluster Munitions.

It is little wonder that we on this side of the House have some concerns. It is a matter of trust. The government plays fast and loose with people's trust. Therefore, we have serious concerns about this. I think these are real concerns. They are concerns that have been expressed by third parties.

I would like my hon. colleague to comment on some of this.

● (2055)

[*Translation*]

Ms. Annick Papillon: Mr. Speaker, the subject is so dark that I feel I need to add a little humour. It will help the people at home follow the discussion.

I feel as though I am in the film, *Catch me if you can*; the magician tells you to watch his right hand, but he is doing something with his left. That is exactly what this government is doing. It is trying to dazzle us by saying it is ratifying the convention, but in fact it is undermining it. It has created so many loopholes it looks like a sieve. That is what we object to.

We must go back to committee and do the work that is necessary so this legislation will be praised, congratulated and encouraged by the international experts. When people as honourable as Roméo Dallaire tell us we are taking the wrong path, the least we can do is listen.

Still, this is not a listening government. It does not listen to the people, the provinces, the municipalities or the experts. That is why we have the bill we have.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I thank the hon. member for Québec.

I agree with her. I support the Convention on Cluster Munitions, but this bill is so weak that we risk being among the nations who give up when threatened. It is incredible, because we have this opportunity and we are in a position to become a leader in the international community, but with this bill, we have abandoned that goal.

I would like the hon. member to tell me why she thinks we have not shown leadership and not chosen to support the convention.

The Speaker: The hon. member for Québec has only 30 seconds.

Ms. Annick Papillon: Mr. Speaker, I will try to be brief.

I agree with my colleague. It is odd because, with respect to this bill, all the opposition parties disagree with the Conservative government and think it is simply going the wrong way.

The Conservative government should listen in committee. It should listen to the experts who are saying that it did not consider certain things, and that we should ratify the convention properly.

When other countries such as Australia and New Zealand tell us things are not right, I think we should listen to that wake-up call.

Still, I know the government has other things to do, such as take care of its scandals.

Ms. Ève Péclet (La Pointe-de-l'Île, NDP): Mr. Speaker, I am pleased to speak to this very important bill.

It is important to remember that it is in the House of Commons and in parliamentary committee that elected members of Parliament can help make contributions to the international community and to the world, and where they can make changes that impact millions of people.

I think it is truly unfortunate that this bill was introduced in the Senate, and that the government has remained inactive for four years, has not called a debate on this topic and has not asked Parliament to examine the issue. It waited for the Senate to decide to introduce a bill, which is inappropriate in this case. That will not change as long as there is no real debate in the House, where MPs are elected democratically. Unfortunately, after one hour of debate on May 29, at one in the morning, the government decided to move a time allocation motion. Only one person had debated this bill. That is completely unacceptable.

How can we ratify a convention if we amend it to add loopholes? When we sign a convention, we agree to abide by it. We agree to abide by the spirit and principles of the convention.

How can it claim to ratify a convention if its amendments completely obliterate the spirit of the convention? I want to point out that Canada's chief negotiator resigned because Canada's stance was too weak. That gives an idea of the government's method for negotiating treaties.

For example, Canada is in the process of sabotaging negotiations at the United Nations' Human Rights Council on sexual violence in conflict zones. The government is refusing to adopt a motion or trying to amend a motion regarding sexual violence against women and children in armed conflict. Why would a government oppose such negotiations? Believe it or not, it is because these negotiations and discussions include a section on abortion, reproductive choices and women who are victims of rape.

For purely ideological reasons, whether it be cluster munitions, sexual violence or arms trading, Canada is opposed to these principles. Another example is the arms trade. On several occasions, in the House, the Minister of Foreign Affairs stated that the convention was a back-door way of reinstating a firearms registry and of limiting the right to own a firearm. That is completely illogical. We are talking about the international arms trade. Ideology is the only reason the Conservative government is completely powerless on the world stage. This is completely unacceptable. Canada's reputation is taking a beating.

The former negotiator walked off the job because the legislation was too flimsy. This is weak legislation put forward by a weak government, which is often the case. The Conservatives do not walk the talk. The Government of Canada is weak. Unfortunately, it is also weak at the UN and on the world stage.

● (2100)

Canada is opposed to a motion against sexual violence and to the arms trade treaty. What other delights await us from a Conservative government that is trying to sneak in changes that would fundamentally alter the spirit of a convention that affects millions of people worldwide?

I have received several messages on my iPod from people around the world, including a young man by the name of Phongsavath, whose photo I have, and who survived a cluster bomb. He lost both his hands. What will the Conservative government say to this young man from Laos? Will the Conservative government say that it is sorry and that it wants to protect its soldiers?

I find it completely outrageous that the government is trying to shift the blame. In 2009, Germany, France, Japan and Mexico signed the treaty. In 2010, Great Britain followed suit, and in 2012, Australia came on board. Yes, these countries are all allies of the United States and they all have joint missions with the United States. Did their soldiers suffer because their countries signed the convention? No, they did not.

The government is trying to shift the blame onto the United States and soldiers. It is everybody else's fault, except the Conservative government's. In fact, it is as if the Conservatives were in a playground refusing to do something that their friend is not doing. It is completely preposterous.

Canada should be a global leader, not just a follower—the black sheep, as we say. Why are we not able to display the same capacity for leadership as we did during the negotiation process for the treaty to ban landmines? What has happened since then? We were saddled with an ideologically driven majority Conservative government.

It is important to note that on June 3 of next year, the arms trade treaty will be ratified. Unfortunately, it would be foolish to hope for anything better from this government. It is hard to fathom why Canada continues to be a hindrance, refusing to save lives simply because the United States does not want to sign the convention.

One of my hon. colleagues said that we give a lot of money to countries whose populations are victims of cluster munitions. The government would like to allow cluster munitions to be used, and give those countries money. This is completely ridiculous. While we are here, let us do something to solve the problem; let us ratify the convention as it stands and try to persuade the United States.

What credibility would we have with the United States if we obliterated the spirit of the convention and asked them to sign it? What credibility would we have with the United States if we enacted Bill S-10? This is ridiculous. Canada's credibility would be wiped out.

What can we hope for from a Conservative government that has no respect for the environment or workers' rights or human rights? Canada is the only country in the world that has withdrawn from the United Nations Convention to Combat Desertification. Canada has zero credibility when it comes to negotiations. If we enact Bill S-10 as it stands, that will be undeniable.

I have received messages from a number of countries. I have been told that people in Iraq are still victims of cluster munitions. What credibility would we have on the world stage if we enacted Bill S-10? We would have zero credibility.

In addition, the Conservatives have supported none of our initiatives on respect for human rights or corporate social responsibility. That is a clear demonstration of their contempt, or their negligence.

This is an anemic, flawed, inadequate and mediocre bill that undermines the spirit of a convention that would save lives. The objective of the Convention on Cluster Munitions is to prohibit the use of those munitions. The convention provides that states that ratify it undertake never under any circumstances to use, develop, produce or acquire cluster munitions.

We already know that this is because the United States has not signed the treaty.

● (2105)

Essentially, all the blame is being cast on the United States. This shows how disconnected the government has become. These weapons kill women, children and civilians. In a majority of cases, they do not explode when they are used; they explode years later. This means that in conflict zones, for years afterward, women and children are dying.

[*English*]

Mr. Brian Storseth (Westlock—St. Paul, CPC): Mr. Speaker, it must be a dark place to wake up every day and think what a terrible country one lives in. However, the reality is that Canada has been a leader with the land mine treaty. Canada has been a leader with the Oslo process. Canada continues to be a leader in the fact that we have never used or produced cluster munitions.

Contrary to the member's position, we have actually signed this process. We were one of the first countries at the table to sign it.

When the member met with Mr. Turcotte and when she met with Mines Action Canada, did they tell her we would be better off and children in Lebanon and Serbia and other countries around the world would better off if Canada did not ratify this treaty? Would they be better off if Canada did not fulfill its international obligations, as the NDP has proposed?

[*Translation*]

Ms. Ève Péclet: Mr. Speaker, I would first like to say that this is like a contract. When you sign a contract, you read the clauses and then you sign it. You cannot sign the contract and be bound by it if right in the contract itself, you put a clause saying that you are not necessarily bound by the contract and you are not bound by it unless you decide you are.

It is the same thing in the case of a convention. A convention is made to be ratified and to be honoured. You cannot say that you are going to ratify the convention to look good, but unfortunately, you will only honour it when you decide to.

The NDP's proposal is much stronger and much more consistent than the Conservatives'. We have to ratify the treaty as it stands now.

The Conservatives have to stop playing political games and trying to assert their extreme right-wing ideology on the international stage. Canadians will be a lot better off that way.

● (2110)

[*English*]

Ms. Kirsty Duncan (Etobicoke North, Lib.): Mr. Speaker, I just have a comment.

Canada's former chief negotiator on a treaty to rid the world of cluster munitions urged the government not to water down the bill. Earl Turcotte ended a nearly 30-year public service career by resigning in protest from the foreign affairs department over how the government planned to interpret a key provision of the convention. He said:

> I believed at that time, and continue to believe that Canadian legislation would simply be inadequate, it would be too weak. It would not accurately reflect the commitments we made during negotiations of the convention.... In my view, Canada will be isolated among the 111 signatory countries to the convention for our very weak interpretation...I think Canada's interpretation would simply be wrong in law as well as in spirit.

[*Translation*]

Ms. Ève Péclet: Mr. Speaker, it is important that this be said. I have received messages from all around the world. I have even received a huge banner from the United States, created by hundreds of elementary school students. They are calling on Canada to honour its original commitments and ratify the treaty as it stands, not make amendments that would destroy the spirit of the convention.

In 2008, when Canada started to be a leader in the negotiations and in taking action, people developed expectations, and they still expect Canada to play a role.

It is extremely disappointing for the entire international community to see how the Conservatives have done a complete about-face and decided not to honour the promises they made and not to ratify the convention as it stands.

Ms. Francine Raynault (Joliette, NDP): Mr. Speaker, I thank the hon. member for her remarks.

As the hon. member said, Canada signed the convention in December 2008. The implementation bill was introduced in the House of Commons on December 15, 2012, four years later. This is our first chance to debate the bill, and we have a very limited amount of time because of the time allocation motion.

I would like to know what the hon. member thinks about that.

Ms. Ève Péclet: Mr. Speaker, I think it is simply a demonstration of the government's hypocrisy.

For hours, government MPs have made speeches about the importance of such a bill, but we see that there are two sides to every story and this is the other side.

Why did the debate on this bill not take place earlier, and why, especially, were members of Parliament not allowed to debate this issue?

The Conservatives' hypocrisy is quite evident. They boast about bills they did not even draft and whose impact they have not studied, and they do not let the members of Parliament do their job.

[*English*]

Ms. Lois Brown (Parliamentary Secretary to the Minister of International Cooperation, CPC): Mr. Speaker, when one talks about ideology, I just heard the longest 15-minute rant on ideology that we have heard in the House tonight. The member does not understand that word. She needs to go and look it up.

It is my pleasure to rise this evening to speak to the prohibiting cluster munitions act, which fully implements Canada's legislative commitments under the Convention on Cluster Munitions.

Bill S-10, which was adopted by the other place on December 4, 2012, moves us closer to becoming a state party to the Convention on Cluster Munitions. Our ratification of this important humanitarian treaty will be a strong signal of Canada's unwavering commitment to reducing the impact of armed conflict on innocent civilians.

As others have rightly pointed out, cluster munitions are a grave humanitarian concern to the entire international community. Cluster munitions are a form of airdropped or ground-launched explosive weapon that can hold and release or eject dozens, or even hundreds, of smaller submunitions, or bomblets, to quickly cover a large target area.

Cluster munitions can pose threats to civilians not only during attacks but afterwards, particularly when they fail to detonate as intended. Unexploded bomblets can kill and maim civilians decades after conflicts have ended, and tragically, many cluster munition casualties around the world are children, who can mistake certain types of brightly coloured bomblets as toys. Access to land and essential infrastructure contaminated by unexploded bomblets is blocked to important uses, such as growing crops, raising cattle and fetching water. This stalls the development potential of whole communities trying to rebuild their lives after conflict.

Canada's commitment to the protection of civilians against the indiscriminate effects of explosive remnants of war, including those caused by cluster munitions, is well known and well established. We are proud to be part of the international effort to rid the world of cluster munitions, a weapon that Canada has never produced or used in its military operations.

Motivated by the harm caused to civilians by cluster munitions, the international community launched an initiative in February 2007, known as the Oslo process, to negotiate a treaty that would ban cluster munitions. Negotiations took place over several meetings throughout 2007 and 2008 and concluded with the adoption of the Convention on Cluster Munitions in Dublin in May 2008 and its opening for signatures in December of 2008.

Canada participated actively throughout the negotiations and we were among the first countries to sign on. Today, there are 83 states parties to the convention.

It is important to provide some context on how negotiations unfolded. Despite what the opposition would try to have us believe, it was recognized early during the Oslo process that not all states would be in a position to immediately sign on and join the convention. Early on, it was recognized that multilateral military operations, which are crucial to international security, required co-operation between states, including co-operation between states party to a possible convention and states that were not. This was not just Canada's position, but that of many of our allies. We had a clear mandate in negotiations. We have always been open and transparent in exactly what we want to accomplish.

From the beginning of the Oslo process, countries, including Canada, began to speak about military interoperability and the need to ensure that states parties could continue to collaborate militarily with states not party to the treaty. Canada, and the other states, made strong statements to that effect as early as at the Vienna conference in December 2007, as well as at the Wellington conference in February 2008 and during the Dublin conference in May 2008.

● (2115)

It is our view, and the view of many other states that had concerns with regard to interoperability, that article 21 of the convention meets the requirements in this regard. For Canada, authorizing our military personnel to carry out operations with the armed forces of a state not party to the convention allows us, among other things, to maintain our unique, co-operative relationship with the United States, which offers unparalleled benefits in terms of security, defence and industry. Article 21 allows Canada to comply with legitimate security requirements, while actively supporting the convention, fulfilling its legal obligations and working toward the universalization of the convention. This universalization goal is one to which Canada remains firmly committed.

In essence, the Convention on Cluster Munitions prohibits the use, development, production, acquisition, stockpiling, retention and transfer of cluster munitions. It also prohibits assistance and encouragement of anyone to commit a prohibited act.

Bill S-10 would prohibit the use, development, making, acquisition, possession, foreign movement and import and export of cluster munitions. In addition, stockpiling of cluster munitions on Canadian soil would not be allowed by this bill, as it would prohibit all forms of possession. Bill S-10 would also prohibit any person from aiding and abetting anyone in the commission of a prohibited activity, which would include direct and intentional investment in the production of cluster munitions.

Needless to say, Canada is fully meeting its obligations both in letter and in spirit.

It is important to note that Bill S-10 would implement the parts of the convention which actually require legislation in Canada. The convention itself applies a number of obligations to Canada as a state party. One of these requires each state party to impose on persons within its jurisdiction the same prohibitions which apply to the states parties themselves.

To do this, the proposed act sets out a series of prohibitions and offences, as well as the technical definitions needed to support their investigation and prosecutions. The act also sets out exceptions which reflect the convention's partial exclusions from some of its prohibitions for legitimate and permitted purposes, such as military co-operation between states parties and states that are not party, defensive research and training and transfers for the purpose of the destruction of stockpiles.

As I have already mentioned, clause 11 outlines the exceptions that provide our military personnel with the necessary legal protection to operate with the armed forces of states that are not party to the convention. These exceptions are crucial to allowing Canada to continue to participate in military co-operation and multinational operations with states that are not party to the convention and to keep pulling our weight internationally.

Our government will not apologize for protecting our men and women in uniform and ensuring that they do not face criminal repercussions for doing what we ask of them on a daily basis.

Despite this, it is important to emphasize that Canadian Armed Forces members remain prohibited from using cluster munitions in Canadian Armed Forces operations and from expressly requesting their use when the choice of munitions to be used is under their exclusive control.

In addition, the Canadian Armed Forces, as a matter of policy, will prohibit their members from using cluster munitions and from training and instructing in the use of cluster munitions when on exchange with another state's armed forces. The transportation of cluster munitions aboard carriers belonging to or under the control of the Canadian Armed Forces will also not be permitted by policy.

In response to some questions raised by the other place, I would now like to briefly explain why some of the specific terms in Bill S-10 may differ from the convention. This is simply the result of a required translation of multilateral treaty language into Canada legal terminology. This is necessary in order to meet domestic charter and other legislative standards for clarity and certainty in the eyes of the Canadian courts. For this reason, it was inadvisable to adopt a number of the amendments proposed by senators during deliberations on Bill S-10.

● (2120)

First, a certain number of those proposed amendments would have added the word "transfer" to the definition and prohibition provisions. The meaning of "transfer" as it is used in the convention requires prohibiting the physical movement of cluster munitions from one state to another when it also involves a change of ownership and control.

Using such a definition raised some domestic interpretive concerns, because the word "transfer" already occurs in many Canadian statutes with a different meaning.

The word "move" is therefore used instead. Moving prohibited cluster munitions from one foreign state to another is an offence if the intention is to change ownership and control, which is consistent with criminal law and easier to prosecute. Movement in and out of Canada itself is covered by the related offences of importing and exporting.

Another proposed amendment called for making it an offence for a person to knowingly invest in a company that produced cluster munitions. This is already covered by the bill, since direct and intentional investment in a commercial organization that produces cluster munitions is addressed by its prohibition on aiding and abetting. Those terms are clear in Canadian criminal law, and they cover all forms of investment that entail a sufficient proximity to the actual making of the munitions and the necessary criminal intent. Under the current wording in the bill, aiding and abetting or counselling from Canada will be a criminal offence, even if the activity aided or abetted takes place in a country where it is legal.

Similarly, the bill already deals thoroughly with stockpiling of cluster munitions, and therefore the proposed amendments regarding stockpiling are not necessary. Bill S-10 does not refer to "stockpiling" as such, because it is not a term used in Canadian criminal law. That notion is instead included in the bill under the term "possession". Cluster munitions may pass through Canada within the scope of military co-operation, but they cannot be stored here except for permitted reasons, such as their destruction.

As for the amendment proposal that would require Canada to inform the government of a non-state party with which Canada is engaged in military co-operation regarding its obligations under the convention, it is important to remember that the current form of the bill is one of criminal law. It would not be advisable to create non-criminal obligations in this kind of text.

The obligation to notify non-party states of Canada's convention obligations and to discourage their use of cluster munitions applies to the Government of Canada when initiating military co-operation and operations with these states. It does not create any ongoing obligations for individual military personnel. The Government of Canada is expected to carry out its positive obligations as a result of the treaty itself, and it intends to fully do so.

Regarding the proposed amendment that would create reporting requirements, the convention itself already requires annual reporting by States Parties. In fact, even though Canada is not yet a state party, I am pleased to tell members that we have already begun carrying out this task voluntarily. To date, we have submitted two article 7 transparency reports to the Secretary-General of the United Nations, which are publicly available. Additional reporting to Parliament could hamper our diplomatic efforts to promote universalization around the world. In this instance, it would not be prudent to encourage countries to follow our lead and then shame them in our own Parliament.

Since much of the debate on Bill S-10 has been centred on the interoperability exemptions provided for in clause 11, it is important that I speak about this specific issue.

As already explained, the convention itself calls for the use of criminal law. As such, it is necessary to create exceptions to the prohibitions established in this legislation in order to ensure that members of the Canadian Armed Forces and the associated civilians who participate in military co-operation and operations permitted by the convention are not held criminally responsible for those acts when they are serving Canada.

● (2125)

The exceptions in clause 11 of the bill do not permit or authorize any specific activity; they simply exclude these activities from the new criminal offences created by the law. If these exemptions are not included in the act, it could lead to criminal liability for a wide range of frequent military co-operation activities with our closest allies that are not party to the convention and that do not plan on ratifying it in the near future.

It is important to point out that these exceptions are permitted by the convention itself and apply only to the specific prohibitions created in the proposed act. They do not detract in any way from other applicable legal obligations of members of the Canadian Armed Forces, including those established by existing international humanitarian law.

Even before the introduction of this bill, our government has taken concrete steps to fulfill its commitments under the Convention on Cluster Munitions. Canada has never produced or used cluster munitions in its operations. The Canadian Armed Forces have initiated the process of destroying all of their cluster munitions, and their last remaining inventory of cluster munitions has been removed from operational stocks and marked for destruction.

Canada is already active in promoting the universalization and implementation of the convention with international partners, and will continue doing so. Also, Canada has already been voluntarily submitting its annual transparency reports. All of these activities are being implemented outside of Bill S-10 and before Canada's ratification of the convention.

Canada is committed to the eradication of cluster munitions, and our government is proud to have tabled this legislation to enable us to ratify the Convention on Cluster Munitions. We are particularly proud of Canada's important role in striking the convention's essential balance between humanitarian and legitimate security concerns and in ultimately paving the way for ratification of the convention by a larger number of states than would have been the case otherwise.

I urge all parties to support this bill so that we can move it forward as expeditiously as possible.

● (2130)

[*Translation*]

Ms. Isabelle Morin (Notre-Dame-de-Grâce—Lachine, NDP): Mr. Speaker, this makes me sick.

I am very disturbed that a Conservative member would begin her speech by talking about the children who play with bombs, children who die because of these bombs. I think it is hypocritical and perverse. It makes no sense that this hon. member, who is part of the Conservative government that is attempting to destroy a convention, is talking about these children.

I do not know if the hon. member is aware that her government wants to destroy Canada's international leadership on this convention. I would like the hon. member to try to explain that to me, because I do not understand. I find it inconsistent that she can make such a speech and support a bill that will destroy that convention.

I would like her to explain that, because I just cannot see how it works.

[*English*]

Ms. Lois Brown: Mr. Speaker, I would like to advise the member that our party has been a strong leader on this file. We have taken the steps to put in place the ratification of this convention. Canada was one of the first countries to sign on.

I would like to read exactly what it says in the framework for the member. It says it will establish

> ...a framework for co-operation and assistance to ensure adequate care and rehabilitation to survivors and their communities, clearance of contaminated areas, risk reduction education and destruction of stockpiles.

It also requires countries that are States Parties to this convention to establish a way forward for victim assistance. Article 5 talks specifically about the countries establishing a budget and developing a plan for assisting these very victims who have been harmed.

We want to see these cluster munitions eradicated. We want them disposed of. We want to see them destroyed. We want to take a very active hold on this file and get this done.

Ms. Kirsty Duncan (Etobicoke North, Lib.): Mr. Speaker, I would like to thank the member for bringing out some of what happens with these munitions, but I will provide more information.

One cluster munition contains enough submunitions to cover an area the size of two to four football fields. In Laos the United States dropped, on average, an entire planeload of munitions every eight minutes for nine years.

Cluster munitions have been used in at least 30 countries and areas. There are 34 countries known to have produced over 210 different types of air-dropped and surface-launched cluster munitions, and tens of thousands of civilians worldwide have been killed or injured by cluster munitions.

My question is this: why is the government weakening the bill and weakening the spirit of the convention?

Ms. Lois Brown: Mr. Speaker, I would say to my colleague that Canada has been a leader in getting this convention in place. We were one of the first ones to sign on to it.

The things she has said are absolutely horrific. We agree. That is the very reason we want to get this convention signed. That is the very reason why we want to get this piece of legislation through, because Canada wants to ratify this convention.

We want to be the strong leaders in the globe and to say that the world needs to be rid of these kinds of munitions. They need to be eradicated. Canada is a strong leader. We will continue with that leadership.

● (2135)

Mr. Chris Warkentin (Peace River, CPC): Mr. Speaker, I appreciate my colleague's thoughtful speech. It was actually a reflection on what exactly has happened. Obviously Canada was one of the first countries to sign on to the convention.

Canada has undertaken its responsibility the way that Canadians would expect: that it be responsible and be a proactive member in ensuring that these types of things are dealt with in the international community.

There are two things I would like to have the parliamentary secretary reflect on. First, I would like her to reflect on Canada's history when it comes to these particular munitions.

Second, I would also like the parliamentary secretary to reflect on what our allies are doing. Obviously we have heard members opposite wax eloquent on different aspects of the problems with these types of munitions. I am wondering how Canada's response resembles what has been done by other countries, such as the United Kingdom and Australia.

Ms. Lois Brown: Mr. Speaker, our allies are working in concert with us, because they too, the United Kingdom and Australia, have done the same. These are the allies we work with in many situations with our military, and they are on side with us. They want to see cluster munitions eradicated from the world.

I would like to read from the very beginning of what this convention says. It is what Canada is signing on to. It says we are:

> ...deeply concerned that civilian populations and individual civilians continue to bear the brunt of armed conflict

and that we are

> ...determined to put an end for all time to the suffering and casualties caused by cluster munitions...concerned that cluster munition remnants kill or maim civilians...deeply concerned also at the dangers presented by the large national stockpiles...believing it necessary to contribute effectively to an efficient, coordinated manner to resolving the challenge....

These are the kinds of things that we and our allies are signing on to. We want to see these cluster munition stockpiles disposed of. We want to be a leader, and Canada is doing that through this legislation.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I could not agree more with my hon. friend from Newmarket—Aurora that this convention is extremely important. Canada did sign on early, and that is why I am baffled. Maybe she could explain to me why there are these carve-outs.

I am looking at page 7 of the bill, subclause 11(3). It is not related to the movement of cluster munitions for the purpose of destroying them; that is a different section. This section says that earlier prohibitions do not apply to a person in the course of military co-operation or combined military operations involving Canada and a state not a party to the convention—which would include, for instance, the United States—for "aiding, abetting or counselling another person to commit any act referred to in paragraph 6(*a*) to (*d*) if it would not be an offence for that other person to commit that act".

In other words, it looks to me as though we have a carve-out here that lets Canada help the United States invest in cluster munitions, use cluster munitions and transfer them in shared co-operative action.

If we are to adhere to the convention, should we not remove subsection 11(3) so that it is clear that we are not speaking out of both sides of our mouth?

Ms. Lois Brown: Mr. Speaker, in a perfect world I suppose that is what we would all want, but we have to live in reality, and the reality is that the United States is our closest ally. We work very closely with the Americans in many military operations, and we do not want to see our Canadian Armed Forces charged with a criminal offence because they are working with our partners and doing what we have asked them to do.

We have said very clearly that Canadian Armed Forces would not be commanding the use of cluster munitions. We have been very strict with that, but we also have to live in reality.

Is this a perfect world? Absolutely not, but this is a starting point. It is perhaps not perfect, but it is certainly a step in the right direction. As we have said throughout this, we will continue to urge other parties around the globe to participate in this convention and to rid the world of these terrible munitions.

● (2140)

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, cluster bombs are morally and ethically reprehensible. They are inhumane. There can be no prevarication. There can be no qualifying of our condemnation. We should be absolute and thorough in our condemnation. We should not dedicate two whole pages of the enabling legislation to provide an exit strategy, an out, a loophole that we can drive a truck through to, where we can do anything in terms of handling, enabling, aiding and abetting. As my colleague from Saanich—Gulf Islands pointed out, subsection 3 is a road map for how to continue using cluster bombs.

The Parliamentary Secretary over there was the chief apologist, a champion of cluster bombs, it would seem. He was the number one apologist for justifying when and where they are applicable and necessary. That is not the tone we want to set in the Canadian House of Commons.

Ms. Lois Brown: Mr. Speaker, as I said, we do not live in a perfect world. We have a responsibility, as the Canadian Parliament, to take a step forward to ensure that we do what we can in Canada to make sure the world is rid of this terrible ordnance. Therefore, we are taking a leadership role. We will continue to urge other parties to be signatories to this convention as we show leadership in our own House.

[*Translation*]

Ms. Francine Raynault (Joliette, NDP): Mr. Speaker, I will share my speaking time with the member for Notre-Dame-de-Grâce—Lachine.

In 1997, Canada distinguished itself on the world stage by hosting the meetings on the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction.

Those important meetings led to the signing of the Ottawa treaty, which made it possible to reduce the number of innocent civilian victims during and after military conflicts. The treaty concerned anti-personnel mines, but there is another threat to which Canada could respond with genuine leadership: cluster munitions.

It is a brilliant invention: deploy a bomb that deploys hundreds of bomblets. Why not just deploy a bigger, more accurate bomb? That is true military genius. The bomblets, which do not explode immediately, cover an area the size of four football fields and are transformed into anti-personnel mines. Some of our soldiers are injured by those mines.

On initial impact, 98% of the victims of cluster munitions are civilians. As the bomblets are very colourful and remain in place for years after the bombing, children are the most common victims following a military conflict.

If Canada has committed to opposing anti-personnel mines, why has it done nothing tangible to combat this inhuman invention? My position on this issue is clear. I am opposed to Bill S-10 and I am going to show how it does nothing to assist in controlling cluster munitions. When I see these bomblets, I think of our children and of my grandchildren, who could be seriously injured or killed by them.

Even more so since the aim of this bill appears to be to facilitate their use.

The 2008 Oslo treaty became the next logical step after the Ottawa treaty since its purpose was to prohibit cluster munitions. Several of the greatest weapons-producing countries, such as China, the United States and Russia, decided not to take part in the Oslo process. Unfortunately, it appears that Canada bowed to American lobbyists to ensure the plan would not be successful.

Unlike the United States, Canada took part in the Oslo process. Rather than refuse to participate, it managed to negotiate the inclusion of an article permitting ongoing military interoperability with states not party to the convention in the final text of the convention. This loophole in article 21 of the convention makes it possible for a signatory country to tolerate the status quo. It goes without saying that the scope of the Oslo process was dramatically reduced.

The idea of an act to implement the convention is an excellent one, but what we have here more closely resembles an insurance policy for the military-industrial complex. Considering that the position the government has adopted is largely modelled on that of the United States, it is fair to ask what has happened to Canada's sovereignty.

What will the Conservatives say? That this is good for the economy? What economy? What will they say to the 50,000 victims of cluster munitions in Laos, who are poor people and mostly civilians?

I also wonder what arguments the Conservatives will offer our soldiers returning from Afghanistan injured as a result of the use of this icon of human technical knowledge.

I thought the Conservatives were tough on crime, but I am disappointed they have chosen to be soft on humanitarian international law, which cluster munitions violate outright.

That law includes the principle of distinction, which requires weapons to be directed at combatants with a certain degree of accuracy. I should point out that 98% of victims in this instance are civilians.

The principle of humanity is also violated by cluster munitions because they cause enormous, long-lasting damage to the natural environment.

● (2145)

In addition, between 5% and 40% of sub-munitions do not explode on initial deployment and are guaranteed to cause losses following a conflict.

Lastly, there are the principles of prohibition of superfluous injury and unnecessary suffering. Following combat, a site infested with cluster munitions causes even more harm to innocent victims, very many of them children who may not even have been born at the time of the conflict.

However, what is the point of reminding people that these weapons are so inhumane, the Conservatives introduced a bill to prohibit them? To put it simply, perhaps the purpose of this bill is not really to prohibit them.

Instead of implementing the convention, Bill S-10 instead affirms that the Conservatives have chosen their camp, the camp of needless slaughter.

Tough on crime? Pro-life? Really?

This is laughable. These are nothing but slogans that fail to conceal the fact that the Conservatives are soft when it really counts. Instead I see a narrow-minded group of people bowing to U.S. demands so they do not have to face their own consciences.

I am not alone in thinking so. The former prime minister of Australia, Malcolm Fraser, said it was a pity the current Canadian government did not provide any real leadership to the world on cluster munitions. He added that its approach was timid, inadequate and regressive.

The Conservatives have long since chosen to act as lackeys to the great powers, and their fawning will eventually deflate their image as tough guys. This applies to climate change and the tar sands, the Canadian economy, which they are shamelessly undermining, and now Canada's international reputation.

But they will not drag us down when they fall. Canada is big enough and strong enough to show them the door quickly.

People will say I am using a broad brush, but in my opinion, this bill says a great deal about how this government operates with respect to legislation. They do things in a hurry, they are lazy, and they only want to please their friends. Bill S-10 is no small matter, but we have very little time in which to discuss it.

Earl Turcotte, former coordinator of the mine action program at DFAIT, led the Canadian delegation that negotiated the convention. He resigned when the government tried to impose a weak enabling act, saying that the proposed law was the worst of all the laws passed by countries that had so far ratified or signed the Convention. The worst! Not the second-worst, the best of the not bad, or the fourteenth, but the worst.

With that, I believe I have nothing more to add, except that the disproportionate zeal this government puts into the funding or promotion of its party might better be put into a healthy approach to legislation. Laws require time and study, and their objectives should be to help people. It is not enough to spend a few hours discussing such an important bill. Above all, it should not be said that this is to protect children.

These are all targets that Bill S-10 fails to hit, because this is a law that is as disastrous as a cluster munition.

I hope the members opposite understand that there will be collateral damage.

● (2150)

[*English*]

Mr. Bob Dechert (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, the hon. member talked about clause 11 of Bill S-10, and I wonder if she could take us through it. I would like her to be very specific on the related provisions in the Australian legislation and the United Kingdom legislation, and tell us, in her opinion, in a very detailed way, how those provisions differ in terms of interoperability with the provisions of clause 11 in Bill S-10. I would like specific answers to those questions.

[*Translation*]

Ms. Francine Raynault: Mr. Speaker, that was such a long question it can hardly be answered.

The New Democrats fully supported the development of a treaty to ban cluster munitions. However, this bill undermines the convention instead of ensuring its implementation. What does the government have to say to that?

[*English*]

Ms. Kirsty Duncan (Etobicoke North, Lib.): Mr. Speaker, again, 34 countries are known to have produced over 210 different types of air-dropped cluster munitions and surface-launched cluster munitions.

At least 13 countries have transferred over 50 types of cluster munitions to least 60 other countries. Billions of cluster bombs are currently stockpiled by some 78 countries worldwide, and around half of these countries have now agreed to destroy them.

On average, 25% of civilian casualties are children, and in some areas it is more than 50%. The children are attracted to them because they are small and are in curious shapes.

Cluster munitions are an indiscriminate weapon intended to main, cripple and kill. Why is the government weakening the law and the spirit of the convention?

[*Translation*]

Ms. Francine Raynault: Mr. Speaker, I thank my colleague for her excellent question.

Why is the government weakening this law? The question should perhaps be put to the Conservatives. I cannot in fact answer the question, because I cannot get into the minds of the Conservatives. However, I can say that I find all this quite simply a pity. When I read the bill, I thought about my eight grandchildren. Some of us have children, and we would not want those bombs to be anywhere near us.

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, first, I would like to congratulate my colleague on her speech. Of course, she spoke of the fact that 98% of civilian victims are casualties of these cluster bombs. She pointed out that these munitions lack any precision as to their targets. Because of that, casualties occur even after the conflict has ended.

I would like to ask my colleague for her comments on this state of affairs. She touched on it in her speech, but I would like her to give us more details about her opposition to the bill.

● (2155)

Ms. Francine Raynault: Mr. Speaker, I thank the hon. member for her question.

Ninety-eight per cent of victims are civilians, including children. Personally, I thought that these cluster munitions were intended to kill the enemy—other soldiers—but not civilians. Are these bombs —for they are real bombs—intended to kill civilians? Are they intended to wound soldiers who will be disabled for life? Some Canadian soldiers coming home from Afghanistan are permanently disabled. This is a terrible thing for them, their families, and our society. These people are not able to do all they once could and then they must look for work.

I think that 98% of civilian victims is really a huge number. Why make the bombs? In fact, why make war?

Ms. Isabelle Morin (Notre-Dame-de-Grâce—Lachine, NDP): Mr. Speaker, tonight we are examining a bill that comes to us from the Senate, Bill S-10, an Act to implement the Convention on Cluster Munitions.

For some weeks now, we have been here, gathered together late in the evening, to debate bills that the Conservative government wants to push through Parliament. Although we in the official opposition are proud to rise and represent the interests of our constituents, discuss matters of substance, propose better solutions and put forward concrete amendments, I would like to underline the fact that the procedure whereby we are here to talk about Bill S-10 this evening is unacceptable.

The Conservative government is forcing Parliament's hand to have its bills passed as quickly as possible by using time allocation motions—the 45th one today—and many last-minute votes.

What happened to the time traditionally allocated for debate, in-depth, non-partisan studies by parliamentary committees and government consultations with national and international experts? All of these steps are essential to the democratic process of drafting legislation before bringing it for a vote in the House of Commons. I am raising these procedural points on behalf of my colleagues in the NDP. We will be trying to have Bill S-10 amended in committee.

We are opposed to Bill S-10 as it stands because, although its title appears to say that its purpose is to implement the Convention on Cluster Munitions, in reality, it does not implement it, it destroys it. Bill S-10 serves to set Canada against the 110 other countries that have signed the convention and the 68 that have already ratified it. The bill will be used as a place for the Conservative government to hide. It is an attempt to make an exception to the convention. The NDP cannot stand behind an approach that is, in the words of former Australian prime minister Malcolm Fraser, timid, inadequate and regressive.

So that all my colleagues in this House are just as informed about cluster munitions as my constituents are, I would like to define some terms. The Convention on Cluster Munitions is an international disarmament and humanitarian treaty that bans the use, production, stockpiling and transfer of cluster munitions and provides for their clearance and destruction.

The 111 states that signed the Wellington declaration took part in a conference in Dublin, Ireland, thereby supporting the draft convention. These states included Canada. The convention was adopted on May 30, 2008 and Canada signed the convention on December 3, 2008. In signing the convention in 2008, Canada made a number of commitments.

Canada committed primarily not to use cluster munitions; not to develop, produce, otherwise acquire, stockpile, retain or transfer to anyone cluster munitions; and not to assist, encourage or induce anyone to engage in any activity prohibited to a state party under this convention.

It also committed to destroy the cluster munitions in its arsenal no later than eight years after the convention enters into force, and to clear and destroy, or ensure the clearance and destruction of, cluster munition remnants located in contaminated areas under its jurisdiction.

Furthermore, Canada must provide assistance to the victims of cluster munitions in areas under its jurisdiction, provide assistance to other states parties to ensure that they comply with the provisions of the convention, and take all legislative measures necessary to implement the convention.

Article 2 of the convention reads as follows:

> "Cluster munition" means a conventional munitions that is designed to disperse or release explosive submunitions each weighing less than 20 kilograms, and includes those explosive submunitions.

Cluster munitions were used on battlefields in World War I and more recent conflicts, including Kosovo, Afghanistan and Iraq. These weapons disperse hundreds of explosives over a large area in a very short period of time. Nobody can escape them.

It is sad to say, but 98% of all injuries resulting from cluster munitions are inflicted upon civilians. According to the Cluster Munition Coalition, over 25% of victims of cluster munitions are children, who are especially drawn to unexploded sub-munitions. The bombs look like toys, and up to 30% of them do not explode upon contact with the ground. These bombs patiently lie in wait for their victims.

The Conservative government wants to vote for a bill that will annul Canada's commitment to the victims of cluster munitions.

● (2200)

This is not just about past victims, but current and future victims.

Bill S-10 will, in fact, invalidate the convention. It circumvents the interoperability provision, allowing Canada to aid, abet, counsel and conspire to use cluster munitions.

Why is the government, which negotiated and signed the 2008 convention, doing an about-face? Does the government not agree that these weapons must be completely banned and that Canada needs to walk the talk?

Speaking of taking action, I would like to congratulate the many Canadians who have signed petitions calling on the government to act responsibly and ban cluster munitions. I commend my colleague from Edmonton—Strathcona, who took receipt of these petitions and tabled them in the House.

Just like the NDP, the people of our great country are calling for amendments to Bill S-10. They are asking that no Canadian be liable for their involvement in the use, production, purchase or sale of cluster munitions or financial investment in these activities. They are calling on the Government of Canada to make a positive and ongoing commitment to the convention it signed in 2008, as an addendum to Bill S-10. They are urging the Government of Canada to recognize the massive impact that cluster munitions have on civilian populations in wartime and for decades thereafter.

I would like to quote Mines Action Canada:

> …no Canadian should ever be implicated in the use of cluster bombs for any purpose, in any location, or on any mission.

According to Paul Hannon, the director of Mines Action Canada, Canada should have the best implementation legislation in the world. We should be the frontrunners. That is absolutely not the case given the bill before us this evening.

I encourage everyone to sign the petition from Handicap International Canada against cluster bombs. To date, the petition has 708,318 signatories. I would also like to commend my colleague from Ottawa Centre on the excellent work that he has done in this area.

Globally, unexploded sub-munitions and land mines kill some 4,000 civilians each year. In 2006, 22 members of the Canadian Armed Forces were killed and 112 were injured in Afghanistan as a result of anti-personnel mines, cluster munitions and other explosive weapons. These weapons are dangerous because they are virtually uncontrollable, even long after an armed conflict has ended. These weapons are unacceptable.

Bill S–10 taints Canada's record in terms of leadership on issues of international importance. If it is passed in its current form, this legislation will be the weakest legislation in the world when compared to that of the 110 other countries that have signed the convention, yet thanks to the amendments suggested by the NDP, Canada could redeem itself and win back its role as a protector and defender of human rights, including victims' rights.

Why is the government bent on undermining all these efforts? There was a brighter day. In 1997, thanks to Canada's leadership, the treaty prohibiting land mines, better known as the Ottawa treaty, became the most ratified disarmament treaty in history. In memory of this historic moment, I hope that all my colleagues, across all parties, will support the NDP's efforts and the amendments that it puts forward.

In closing, I would like to quote an article that Craig and Marc Kielburger wrote last year, on Remembrance Day. Craig and Marc Kielburger are two exceptional young Canadians who founded the not-for-profit organization called Free the Children. They continue to encourage over 100,000 young people every year to get involved in their community and promote justice, peace and social solidarity.

● (2205)

[*English*]

> This week we pay homage to Canadians who served and died to uphold global peace and freedom. What better way to honour their sacrifices than to advance peace by eliminating a weapon that kills and maims hundreds of children every year.

Mr. Bob Dechert (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, I am going to ask the member a question that I asked her colleague who spoke previously. Her colleague, unfortunately, was unable to answer the question, I suspect because she had not taken the time to look at the U.K. or the Australian legislation which she said compared better to Canada, in terms of the interoperability provisions of section 11.

Could this member take us through the U.K. legislation, the Australian legislation and section 11 of Bill S-10, and tell us how the Canadian legislation differs from the U.K. and Australian legislation in terms of allowing interoperability with states that do use cluster munitions?

[*Translation*]

Ms. Isabelle Morin: Mr. Speaker, I thank my colleague for his question.

I have compared the Canadian legislation the Conservatives have put before us with other laws, because according to a number of experts, this legislation is very weak. That is where I want to focus my comments; that is what I want to put the emphasis on.

The government is refusing to ratify a convention that will save lives. Consequently, whether in relation to section 11 or any other, and by comparison with any other country, we are looking at a government that has knuckled under to lobbying by the United States. It tells itself that it did a good job in 2008, but it is going to forget that and water the legislation down to make it very weak.

I don't need to compare us to every other countries. We had a good convention that the Conservatives now refuse to ratify, and that is where the problem lies.

[*English*]

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, it is really disingenuous to have a government member ask another member to in basically 30 seconds compare a piece of legislation to two other countries. It is absurd. We are here today debating this legislation the government has put forward as compared to the treaty. That is what is important.

Anything we look at tells us that Bill S-10 is undermining the very treaty that was signed by Canada. I am very glad that my hon. colleague raised the fact that there are thousands of young Canadians who have signed this petition. It is really distressing that they had the best expectations that the government would bring forward a bill that would actually meet the spirit, principle, intent and substance of that treaty, yet this legislation has failed.

I am very glad that the member made the point she did tonight. I think it shows how far removed the government has become from not only the feelings of Canadians but even from meeting the spirit and the substance of a treaty Canada has signed.

[*Translation*]

Ms. Isabelle Morin: Mr. Speaker, I thank my colleague for her comment.

It is indeed a great shame that the government does not listen to the people. Since I have been in this House, we have tabled a number of petitions. Of all those I tabled, none was favourably received by the government. This government is highly ideological.

This evening, for example, I heard speeches that were very ideological. The government is not at all prepared to hear talk of amendments, or discuss them with us. All the time allocation motions make that very clear. Today we saw the 45th such motion. That, in fact, is a record in the history of Parliament.

This government knows only one road, and follows a single path without ever leaving it. It listens neither to experts nor to Canadians, who want only to be heard. It is a pity. When I see the low voter turnout during elections, I find it scandalous, but with such a government, people do not even feel they are being listened to.

I mentioned this in my speech, because I find it is crucial to realize that so many Canadians have asked the government to ratify this convention, and the government is quite simply not listening.

● (2210)

[*English*]

Mr. Bob Dechert (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, I am pleased to rise this evening to participate in the second reading debate of Bill S-10, the prohibiting cluster munitions act. I am pleased to hear from some who have already spoken about why the Convention on Cluster Munitions is needed so urgently and why it is important that the House pass Bill S-10 quickly.

The need is obvious. As the Minister of Foreign Affairs has stated many times, and as was repeated just hours ago by the Minister of National Defence, our government is proud of the active role we played in the negotiation of the Convention on Cluster Munitions. I might add that this included Mr. Turcotte, who was at all three meetings of the cluster munitions convention negotiations and who negotiated specifically article 21, which the opposition does not want to talk about, to provide for the interoperability of Canadian Armed Forces with its allies.

We were committed to this cause at that time, and we remain just as committed today. However, there remains one outstanding issue, that of interoperability. As much as we would like to live in an ideal world, we do not. As much as we would like to live in a world where every country has signed on to the convention, we do not.

In the real world, the Canadian Armed Forces co-operates closely with our American allies and undertakes many joint missions. We actively second military personnel to each other's armed forces. These secondments strengthen the co-operation between our armed forces and improve the security and safety of all Canadians. These secondments are an opportunity for Canadians to gain significant experience abroad and to return that much stronger. Such co-operation between the Canadian and American militaries is both necessary and desirable. That is the reality of the world we live in.

In order for the members of the Canadian Armed Forces to be able to work closely and effectively with their American counterparts, a clause in the Convention on Cluster Munitions was needed to allow Canada and the other countries to sign the treaty while allowing them at the same time to continue co-operating with the armed forces of those countries that have not signed the convention. It is for this reason that Canada, joined by other states, negotiated to include article 21 in the convention to permit military co-operation and operations with states that have not signed the treaty.

In our view, article 21 strikes a balance in addressing the humanitarian impact of cluster munitions while allowing states parties to protect their own legitimate national security and defence interests.

The reality is that article 21 is part of the convention, a convention that to date 112 countries have signed and 83 countries have ratified.

From the beginning of the negotiations, Canada supported the need to ensure that countries could continue to collaborate militarily with those that have not signed the treaty. The Canadian delegation and others made this point strongly in every negotiating session since 2007, and we are satisfied that article 21 adequately meets this need. Authorizing members of the Canadian Armed Forces to carry out operations with the armed forces of countries that have not signed the convention will allow Canada to maintain our special co-operative relationship with the United States. Clause 11 of the bill would allow Canada to support the convention and at the same time meet our security needs in co-operation with our American allies.

Canada, as we know, has more interoperations with the American military than any other country in the world. Canada has a clear mandate in negotiations, and we have always been open and transparent in exactly what we wanted to accomplish. Others are free to have their point of view, but the treaty and this legislation represents the view of the Government of Canada.

The Minister of National Defence touched on this briefly a little earlier, but I think it is important to again emphasize that under Bill S-10, the Canadian Armed Forces members would still be prohibited from using cluster munitions during Canadian Armed Forces operations.

Members of the Canadian Armed Forces would also be prohibited from using cluster munitions and from training in the use of cluster munitions when they were on an exchange with another country's armed forces. The Canadian Armed Forces would also not be permitted to transport cluster munitions on Canadian vehicles belonging to the Canadian Armed Forces.

As I said at the outset, much of the debate on Bill S-10, and indeed on the convention itself, has concerned the issue of interoperability. Since under the convention this would be a criminal offence, it is necessary that Bill S-10 ensure that members of the Canadian Armed Forces who participate in operations with the U.S. armed forces not be held criminally responsible for anything that may violate the terms of the treaty.

● (2215)

Imagine if a Canadian commander were under intense fire from the enemy and called in close air support from our American ally, and that American ally chose to drop a cluster munition. Would our commander then be criminally responsible? I think under the legislation, the opposition is suggesting that he or she would be. Should the commander in that situation not call in that close air support and allow Canadian soldiers to die? That is what we are talking about here.

What they are proposing would put Canadian military personnel in a very difficult and potentially very dangerous situation. This is the reality of operating in the real world. We have to be sure to protect our men and women in uniform in these circumstances.

When the treaty was negotiated, it was accepted that not all countries would be able to sign the convention right away. The treaty's negotiators also recognized that multilateral operations would require states that have not yet signed onto the convention to work with those that already have. Here again, it was recognized that in the real world, things do not always work out the way we would like. Therefore, Canada and others insisted that ways be found to allow those countries that have signed on to the convention to work with those that have not.

That is article 21, subsection 3, of the convention. That is in the convention that all countries ratified. Our allies, such as the United Kingdom and Australia, have put provisions into their legislation that would allow article 21 to operate so that their militaries could interoperate with other countries that use cluster munitions. That was negotiated by all of our negotiators, including Mr. Turcotte.

While some of the specific details in Bill S-10 may be different from the terms of the convention, that is simply because of the need to turn some multilateral treaty language into Canadian legal terms. This has to be done to meet our charter and other Canadian legislative standards for clarity in Canadian courts.

As members of the House will know, when senators considered this bill, they proposed a number of amendments that were either already covered in the bill or would have undermined its position.

Let me now review some of the senators' suggestions and examine why the government was not able to accept them.

As an example, some senators suggested making it an offence for a person to knowingly invest in a company that makes cluster munitions. That is already covered by Bill S-10, since investing in a commercial organization that produces cluster munitions would fall under the prohibition against aiding and abetting. Under section 10, as it now stands, aiding and abetting or counselling from Canada would be a criminal offence, even if the activity took place in a country where it was legal.

Concerning the senators' suggested amendment to create reporting requirements, the convention already requires reports annually from countries. Even though Canada has not yet ratified the treaty, the government is already providing the required reports voluntarily. Similarly, senators proposed an amendment concerning the stock-piling of cluster munitions. Here too the bill already addresses the issue of stockpiling cluster munitions, so the proposed amendment was not necessary. Although Bill S-10 does not refer to stockpiling as such, because it is not a term used in Canadian criminal law, the idea in the bill is referred to as “possession”.

Some of the senators' amendments would have added the word "transfer" to the definition in the prohibition provisions. The meaning of the word "transfer" in the convention requires prohibiting the physical movement of cluster munitions from one state to another when it also involves a change of ownership and control. Using this definition would have raised some concerns, because the word "transfer" already appears in many Canadian laws. In Bill S-10, therefore, we used the word "move" instead of the word "transfer". Moving prohibited cluster munitions from one country to another would be an offence if the intent was to change the control and ownership of the munitions, which would be consistent with criminal law in Canada, therefore making it easier to prosecute in a Canadian court.

Another amendment proposed by senators would have the Canadian Armed Forces tell a country that has not signed the treaty, and with which we are engaged in military co-operation, about our obligations under the convention. However, the House should remember that Bill S-10 is about criminal law, so it would not be a good idea to include such an obligation in this bill. Besides, this obligation falls on the Government of Canada and not on individual members of the Canadian Armed Forces.

Can we imagine if it was the obligation of every member of the Canadian military in battlefield situations to point out to their counterparts, whether they be from the American military or the military of another allied nation, such as the ones we participated with in Afghanistan, that perhaps they should think about not using cluster munitions and destroy their stockpiles? In the heat of battle, the Canadian military personnel need to focus on the job at hand.

● (2220)

In another suggestion, senators proposed an amendment that would add the offence of extraterritoriality to the bill. This is not a requirement under the convention, and aside from that extraterritoriality is covered under Canadian law.

As many others have already pointed out, the Convention on Cluster Munitions would prohibit the use, production and transfer of cluster munitions. Even before we introduced this legislation, our government took important steps to fulfill our obligations under the Convention on Cluster Munitions. Canada has never produced or used cluster munitions. We have begun to destroy all the cluster munitions that we have, and we are already submitting annual reports as required by the convention, even though we have not yet ratified it.

Bill S-10 would implement the purpose of the convention by prohibiting the use, development, possession and import and export of cluster munitions. As well, it would ban the stockpiling or possession of cluster munitions in Canada, as we said earlier. We can already apply many parts of the treaty, but for other parts to come into force the House needs to pass Bill S-10 quickly.

The convention applies a number of obligations on the Government of Canada. However, we also need to apply these same obligations on individuals as well. To do that, Bill S-10 sets out a series of offences and defines them in order to allow their prosecution in the future. The bill also sets out when exceptions would apply, such as when cluster munitions are being used for research and training or where they are being transferred to be destroyed. Bill S-10 would also prevent Canadians from helping someone else from carrying out any activities prohibited by the treaty.

As we have heard from other speakers during this debate, cluster munitions are a dangerous type of weapon, which disproportionately affects civilians long after the fighting has ended. Children are particularly sad victims of these weapons, since children can often mistake them for brightly coloured toys. They pick them up to play with them, with tragic results. If that is not sad enough, cluster munitions make it impossible to use the land to raise cattle or grow crops, so farmers and ranchers cannot earn a living for a long time after the fighting ends.

Our government is committed to protecting civilians in war-torn parts of the world from the indiscriminate suffering that cluster munitions cause. We have done this through our support for the ban on land mines, and we will continue to do this by our support for a ban on cluster munitions under the Convention on Cluster Munitions. This legislation is an important step toward meeting this commitment.

Canada's ratification of the convention will give a strong signal of Canada's continued commitment to reducing the suffering caused by war. Innocent civilians, including children, need our help and they need it now.

I am proud to support Bill S-10, which would enable us to ratify the convention and begin once and for all to end the scourge of cluster munitions. I urge all members of the House to join me in supporting the bill.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I am wondering how we can take the parliamentary secretary seriously, that there is any sense of urgency on the government's part to implement this legislation or to get this legislation going.

It was in December 2008 that the government signed the treaty. In April 2012, it was given to the Senate. For some reason, the government decided the Senate should have it for a full seven months. It was December 2012 before it was finally introduced in the House. It was May 29, 2013, when it had the first snippet of debate at second reading, and I believe it was for about 10 minutes at one o'clock in the morning. We were here during one of those late night sessions, and the parliamentary secretary stood up for about 15 minutes and that was it. We have it now under closure because there is great urgency, for some reason, that we must ram this legislation through in its current form.

We have tried to point out the glaring hypocrisy associated with claiming that one is against cluster munitions and then introducing legislation that has a whole section describing the terms and conditions under which Canadians will and may continue to use cluster munitions.

If the government really believes that cluster munitions are morally and ethically reprehensible and they should be abolished and condemned in the strongest possible terms, why is it enabling, with its clause 11, the continued association of our country with this horrific and inhumane type of weapon?

● (2225)

Mr. Bob Dechert: Mr. Speaker, there was more than one question there, and I will try to address them in order.

The member first mentioned the introduction of this bill in the Senate. I am glad he raised that because it has been raised tonight on a number of other occasions.

Using that opportunity to introduce bills simultaneously in the House of Commons and in the Senate allows bills to move more quickly through the House. If we had only introduced it in the House of Commons—

Mr. Pat Martin: Quickly? April 2012?

Mr. Bob Dechert: Mr. Speaker, I guess he does not want to hear my answer. It probably does not fit with the narrative he would like people to hear.

However, doing that meant we could move all of these bills through twice as fast rather than starting them in one House versus the other. That is the answer to that question.

In respect of his second question, earlier when I asked him a question about article 21 of the convention, he failed to mention paragraph 3 thereof, which reads:

> Notwithstanding the provisions of Article 1 of this Convention and in accordance with international law, States Parties, their military personnel or nationals, may engage in military cooperation and operations with States not party to this Convention that might engage in activities prohibited to a State Party.

As I mentioned several times in my speech, the purpose of clause 11 is to comply with article 21 of the convention. It is to allow our military personnel to continue to be interoperable with our allies, such as the United States, but also many other countries that may use cluster munitions, as we did in Afghanistan. We cannot put our military personnel at risk of their lives or at risk of criminal prosecution if that other state might use a cluster munition when they are interoperable with them.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I would like to say for the record that the hon. parliamentary secretary is in no position to criticize the hon. member for Winnipeg Centre for asking multiple questions, nor interrupting with heckling when an opposite member attempts to answer. He did both earlier in questions to the official opposition.

Since I am not allowed to speak due to closure, I will never get an opportunity to give a full speech on this very important bill.

To answer his question, I have examined the legislation from Australia and the U.K., and I can give a comparison. It is very clear that Canada's language is the weakest of all of the interoperability sections. He can check Australia's section 72.41 and section 9 of the U.K. legislation. They are not as weak as Canada's legislation, which, particularly under paragraph 11(1)(*c*), allows the Canadian Forces to have enough exemptions to use, acquire and possess cluster weapons.

To answer a question he has not asked yet, that being which of our allies has the best interoperability clause, the one I would be happy to see in this legislation is New Zealand's. It simply states:

> A member of the Armed Forces does not commit an offence against section 10(1) merely by engaging, in the course of his or her duties, in operations, exercises, or other military activities with the armed forces of a State that is not a party to the Convention and that has the capability to engage in conduct prohibited [otherwise by the legislation].

My question to the hon. parliamentary secretary is this: What is wrong with the New Zealand language? Why will he not accept it? It deals with the interoperability questions he has asked about in the theatre of war.

Mr. Bob Dechert: Mr. Speaker, I have also read the Australian and the U.K. legislation.

The Australian legislation is very similar to Canada's. It has almost the exact language and includes explicit exceptions in its legislation to allow for interoperability. The United Kingdom legislation also has an interoperability clause, as well as an annex establishing defences to the general prohibitions provided in the bill against the use of cluster munitions.

Both Australia and the United Kingdom are countries that operate with Canada and with the United States. Those approaches are very similar to Canada's. The Canadian legislation was drafted in direct reference to the Australian and U.K. legislation.

Our government is very comfortable that our military personnel will continue to be interoperable with both those countries, with the United States, and not put our military personnel at risk.

[*Translation*]

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, I want to point out that our colleague alluded to an ideal world and how it remains an impossible dream. However, I would say that we can create that ideal world. We can also improve things, even if it is just those that destroy lives. I think that Canada has a role to play in improving this world.

This bill is not an attempt to ratify the convention. It is an attempt to undermine it. It also undermines Canada's leadership in the world and our commitment to banning this terrible weapon.

My question is the following: since more than half of victims of cluster munitions are children—who are particularly attracted to unexploded cluster munitions, as my colleague pointed out in his speech—does the government agree that we must fully ban this weapon and that we must stop talking and start taking meaningful action?

● (2230)

[*English*]

Mr. Bob Dechert: Mr. Speaker, we absolutely agree. We would like to see the complete prohibition and elimination of cluster munitions everywhere in the world, by every country in the world.

The fact is, though, that not every country in the world has at this point signed the convention. One of those countries is the United States, which is a significant ally. Our military is significantly involved with the United States, both in training and in interoperability in important conflicts around the world, such as Afghanistan, for example.

That member's party, along with all the parties in this House, ratified Canada's involvement with the international security forces in Afghanistan. That required our military to be there in harm's way and operate in conjunction with the United States and other countries, such as Poland, for example, which also has cluster munitions. We could not put our military personnel at risk for criminal prosecution or at risk for their own lives by putting them in a situation where they could not participate along with our allies.

What we will do under the convention, as she knows, is to advocate to the United States and every other country in the world that they should join with us in destroying their stockpiles of cluster munitions.

That is not something to be done by our military personnel; that is to be done by our government. Our government will be doing that at the United Nations and other important international forums around the world, as the case and opportunity arises.

Mr. Dave Van Kesteren (Chatham-Kent—Essex, CPC): Mr. Speaker, it is a privilege for me to rise tonight and speak on this very important topic of the prohibiting cluster munitions act. This bill, which has received a significant amount of debate this evening, represents just one aspect of our government's commitment to addressing the humanitarian consequences and unacceptable harm to civilians caused by remnants of war, including cluster munitions.

The Convention on Cluster Munitions is an international treaty that builds on and complements other international agreements that address weapons that cause excessive injury or have indiscriminate effects.

Canada has long played a leading international role in the protection of civilians from the use of conventional weapons that are prone to indiscriminate effects because we have seen the devastating impact of that use. We have continued this long-standing commitment by taking part in international efforts to rid the world of cluster munitions, a weapon that Canada has never produced or used in its military operations.

Bill S-10 would allow us to continue these long-standing efforts by enabling Canada's ratification of the Convention on Cluster Munitions. A ratification would send a strong signal of our unwavering commitment to reducing the impact of armed conflict on innocent civilians, whether in places like Syria where civilians suffer daily from the horrendous civil war, or in places like Laos, Vietnam and Cambodia, which are massively contaminated with cluster munitions many years after the wars have ended. There are 24 countries and three other territories believed to be contaminated by cluster munitions remnants.

Cluster munitions are a very serious humanitarian concern. They can pose threats to civilians not only during attacks but afterwards. They have killed and maimed thousands of people, sometimes decades after conflicts have ended and often as they are going about their daily activities. Tragically, many of those injured are children who can mistake certain types of brightly coloured bomblets as toys. Unexploded munitions also have a negative effect on farmers and ranchers who cannot access land for growing crops and raising cattle. This stalls the development potential of whole communities trying to rebuild their lives after conflict.

Motivated by the harm caused to civilians by cluster munitions, the international community launched the Oslo process in February 2007 to negotiate a treaty that would ban cluster munitions. Negotiations took place over several meetings throughout 2007-08 and concluded with the adoption of the Convention on Cluster Munitions in Dublin in May 2008 and its opening for signatures in December 2008.

Canada was an active participant throughout the Oslo process negotiations and was among the first countries to sign the convention. Today, 83 countries have ratified it and an additional 29 countries that have signed the convention. Most of our NATO allies have signed or ratified the convention.

The Convention on Cluster Munitions establishes a high humanitarian standard while preserving the capacity of countries that ratify the convention to continue to engage effectively in military co-operation with those countries outside the convention. The convention prohibits the use, acquisition, stockpiling and transfer of cluster munitions. Specifically, it bans cluster munitions, sets deadlines for the destruction of stockpiles and clearance of contaminated areas, and establishes a framework for international co-operation and assistance so that victims receive the assistance they need in order to be able to live full and active lives.

Our government is already active in promoting the universalization and implementation of the convention with international partners and will continue doing so. Since 2006, Canada has contributed more than $200 million through 250 projects to this global effort, making us one of the world's top contributors.

For example, in February 2013, the Minister of State of Foreign Affairs announced $2.93 million to assist land mine survivors in Columbia, including children and youth, with recovery and reintegration into society.

● (2235)

We have also provided $3.9 million to address explosive remnants of war in Laos, the most heavily cluster munitions-affected country in the world. In Lebanon, we have provided $3.6 million to assist in risk education and the clearance of cluster munitions.

As others have mentioned before me, Canada has never produced or used cluster munitions in its operations. Over the past three decades, Canada had two types of cluster munitions in its inventory. The Canadian Armed Forces have initiated the process of destroying all of the cluster munitions and the last remaining inventory of cluster munitions has been removed from operational stocks and marked for destruction.

It is important to note that Bill S-10 represents only the legislative requirements under the convention. We continue to do much apart from the legislation and, to date, we have participated as an observer at the three meetings of states parties. We have already been voluntarily submitting annual transparency reports on implementation of the cluster munitions convention. Again, all of these activities are being implemented outside of the bill and before Canada's ratification of the convention. These steps show this government's strong commitment to ridding the world of these terrible weapons.

It was recognized during the Oslo process not all states would be in a position to immediately sign and join the convention. It was also recognized that in a real world, multilateral military operations that are crucial to international security require co-operation among states, including co-operation among states that renounce cluster munitions and those that do not.

Given these realities, Canada and others insisted that the new convention contain provisions permitting the continued ability to engage effectively in military operations with countries that have not ratified the convention. This was not just the Canadian position. It was shared by other countries. Without article 21, it was clear that a number of countries would not have been able to join the convention. From the start of the negotiations, the issue of military interoperability was a clear reality, as well as the need to ensure that countries ratifying the treaty would continue to collaborate militarily with countries that did not.

Canada and other states made strong statements to that effect as early as the Vienna conference in December 2007, as well as the Wellington conference in February 2008 and during the Dublin diplomatic conference in May 2008. The interoperability provisions of the convention found in article 21 allow the treaty to strike a delicate balance between a commitment to addressing the humanitarian impact of cluster munitions while still permitting states parties to preserve their own legitimate national security and defence interests.

This is an important balance for Canada, one that was prioritized early and often during the negotiations of the convention by Canada and several other allies, and one that remains shared by a number of key allies party to the convention. It allows us to carry out our will to rid the world of cluster munitions while ensuring that the Canadian Forces remain able to participate in multinational operations with Canada's key allies that are not party to the convention. Such operations are crucial to our national security interests and allow us to keep pulling our weight internationally. For Canada, authorizing our military personnel to carry out operations with the armed forces of a state not party to the convention allows us, among other things, to maintain our unique, co-operative relationship with the United States, which offers unparalleled benefits in terms of security, defence and industry.

The ratification legislation before the House, Bill S-10, would allow Canada to fully implement the convention's obligation in Canada's law. Bill S-10 would implement the parts of the convention that actually require legislation in Canada. The convention itself applies a number of obligations to Canada as a state party and one of these requires each state party to impose on persons within its jurisdiction the same prohibitions that apply to the states parties themselves. To do this, the proposed act sets out a series of prohibitions and offences and the technical definitions required to support their investigation and prosecution.

● (2240)

More specifically, the bill prohibits the use, development, making, acquisition, possession, foreign movement, and import and export of cluster munitions. In addition, stockpiling of cluster munitions on Canadian soil is not allowed by the bill, as it prohibits all forms of possession. The bill also prohibits any person from aiding and abetting anyone in the commission of prohibited activities, which includes direct and intentional investment in the production of cluster munitions.

The bill also sets out exceptions that reflect the convention's partial exclusions on some of its prohibitions from legitimate and permitted purposes, such as military co-operation between states parties and states that are not party, defensive research and training, and transfers for the purpose of destruction of stockpiles.

Since much of the debate on Bill S-10 has been centred on the interoperability exemptions provided for in clause 11 of the bill, let me address this specific issue. As already mentioned, the convention itself calls for the use of criminal law. As such, it is necessary to create exceptions to prohibitions established in this legislation in order to ensure that our men and women in uniform and the associated civilians who participate in military co-operation and operations permitted by the convention are not held criminally responsible for those acts when they are serving Canada.

These exceptions also apply to personnel serving in exchange, therefore preserving Canada's unique military co-operation with the United States, which provides unparalleled security, defence and industrial benefits as stated.

The exceptions of clause 11 of the bill do not permit or authorize any specific activity. They simply exclude these activities from the new criminal offences created by the law. If these exceptions are not included in the act, it would lead to criminal liability for a wide range of frequent military co-operation activities with our closest allies that are not party to the convention and that do not plan on ratifying it in the near future.

It is important to point out that these exceptions are permitted by the convention itself and apply only to the specific omissions created in the bill. Furthermore, these agreed exceptions apply only to the provisions of the convention itself and not to any other international humanitarian law instruments or customary legal principles. They do not detract in any way from other applicable legal obligations of members of the armed forces. In effect, these provisions permit working with other states only so long as this does not violate any other applicable obligations, including the prohibition on indiscriminate attacks.

Let me emphasize that the Canadian Armed Forces members remain prohibited from themselves using cluster munitions in Canadian Armed Forces operations, and from expressly requesting their use when the choice of munitions to be used is under their exclusive control.

In addition, the Canadian Armed Forces, as a matter of policy, will prohibit their members from themselves using cluster munitions and from training and instructing in the use of cluster munitions when on exchange with other states' armed forces. The transportation of cluster munitions aboard carriers belonging to or under the control of Canadian Armed Forces will also not be permitted by policy.

Even though the Convention on Cluster Munitions is still young, there has already been progress. Countries that ratify the Convention on Cluster Munitions are obligated to clear areas contaminated by cluster munitions as soon as possible, and no later than 10 years after entry into force of the convention for that state party.

In 2011, more than 52,000 unexploded submunitions were destroyed during clearance operations across ten states and two other areas. Formerly contaminated land is now being reclaimed and used. People in those cleared areas can work, walk safely to their home, to school and to work. Farmers can till their fields. Children can play outside like children all around the world should.

The needs of victims are starting to be addressed. Collectively, countries need to maintain efforts to prevent further casualties.

● (2245)

Canada is committed to the eradication of cluster munitions and must continue to do its part in this effort. Canada's ratification of the Convention on cluster munitions will be a key step in that direction.

It is time that Canada joins others in ratifying this important convention. This is why we have tabled this legislation that will enable Canada to become a state party. We are particularly proud of Canada's important role in striking the convention's essential balance between humanitarian and legitimate security concerns and ultimately paving the way for ratification of the convention by a larger number of countries than would have been the case otherwise.

I think we can all agree on the importance of the Convention on Cluster Munitions and the need for the House to pass Bill S-10 quickly.

Hon. Peter Van Loan: Mr. Speaker, we continue to have good faith discussions with all parties in an effort to manage government business of the House, and based on those discussions, I would like to propose, for unanimous consent, the following motion: That notwithstanding any Standing Order or usual practices of the House, on Wednesday, June 12, when the House resumes debate at the second reading stage of Bill C-56, an act to amend the Copyright Act and the Trade-marks Act and to make consequential amendments to other acts, which is also known as the combating counterfeit products act: (a) no more than two members from the Conservative Party, fifteen members from the New Democratic Party and two members from the Liberal Party and any independent member may speak, after which every question necessary for the disposal of the said stage of the bill shall be put forthwith and successively without further debate or amendment; (b) if a recorded division is demanded, the vote shall be deemed deferred to Thursday, June 13, following the time provided for oral questions; (c) if the proceedings at the second reading stage of Bill C-56 are not completed by the ordinary time of daily adjournment, the House shall continue to sit for the purpose of completing the proceedings; and (d) after 6:30 p.m., no quorum calls or dilatory motions shall be received by the Speaker.

The Deputy Speaker: Does the hon. government House leader have unanimous consent?

Some hon. members: Agreed.

Some hon. members: No.

● (2250)

COMBATING COUNTERFEIT PRODUCTS ACT

BILL C-56—NOTICE OF TIME ALLOCATION

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, as you can see, I would like to advise that agreement could not be reached under the provisions of Standing Order 78(1) or 78(2) with respect to the second reading stage of Bill C-56, an act to amend the Copyright Act and the Trade-marks Act and to make consequential amendments to other acts.

Under the provisions of Standing Order 78(3), I give notice that a minister of the Crown will propose at the next sitting a motion to allot a specific number of days or hours for the consideration and disposal of proceedings at the said stage.

* * *

PROHIBITING CLUSTER MUNITIONS ACT

The House resumed consideration of the motion that Bill S-10, An Act to implement the Convention on Cluster Munitions, be read the second time and referred to a committee.

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, I have been listening with a lot of interest tonight to this debate, and it seems to me and to many of my colleagues on this side that the Conservatives are speaking out of both sides of their mouth. They want to tell Canadians that they are deeply against cluster munitions, as we are, and I believe most Canadians would be. We support the ban on cluster munitions, and yet we are concerned about the loophole they have put in the bill that would allow the Canadian government and the military to facilitate in some instances perhaps even the transit through Canadian territory by Canadian military assets of these munitions, which we are all in agreement should be banned.

How are Canadians to view the government's real commitment to this? What we see time and time again with the government is a lack of willingness to stand up for Canada and Canadian values on the world stage and consistent buckling under to the pressure of its friends south of the border.

Mr. Dave Van Kesteren (Chatham-Kent—Essex, CPC): Mr. Speaker, I want to first correct the transportation issue. That is allowed only with their planes. As an example, if they were to move cluster bombs from the United States to Alaska, they could pass our territory, but in their own planes.

However, let us talk about some of our allies. We mentioned the United States, and that is probably our biggest ally, but within NATO, for instance, there is Poland, or let us take a country like Turkey. Turkey has still not ratified this, but is living next door to a failed nation that uses nerve gas. God forbid if we were to be involved in something like that. As a NATO partner, if we were to partner with Turkey, our Canadian Armed Forces would be subject to criminal activity if they participated with a country like Turkey.

This was the narrow band and the dilemma that, as we ratified this agreement, we had to come to grips with. There are countries that have not ratified. There are countries that still use cluster weapons, for whatever reason. However, we need to ensure that our men and women are protected and that when they did participate in another arena, they would not be prosecuted simply because they participated with another country that had not ratified this agreement.

Mr. Massimo Pacetti (Saint-Léonard—Saint-Michel, Lib.): Mr. Speaker, I was listening intently to the member. I understand that it is late, but there are obviously some contradictions. Perhaps I will take over from the member for Davenport.

Just to get this right, the member for the Conservative government is saying that we are going to agree to the treaty on banning the use of cluster munitions, but we are not actually going to implement that treaty if it affects any of our military operations anywhere in the world, whether that be with countries that have signed on to this treaty or with countries that have not. That is what I am hearing.

However, I have also been checking on how many countries have had that same interpretation. Countries like Belgium, Bulgaria, Croatia, the Czech Republic, France, Germany, Hungary, Iceland, Portugal, Sweden and others actually agree with this definition. Therefore, why bother? Why are we doing this if we are not going to respect the bill that is being debated?

● (2255)

Mr. Dave Van Kesteren: Mr. Speaker, I do not know where I can go past my previous answer. I include another country, Israel.

There are countries that have not agreed to the ratification of this agreement, and that is a reality. Those countries are our allies. We were struck with a dilemma as we proceeded with this bill, that there would be a possibility there would be times that we would be engaged with another nation that had not ratified that agreement. I have mentioned the United States, which has been used a number of times, but Poland and Turkey are NATO members and Israel is an ally.

There are countries that have not ratified those agreements, so it is necessary. This was something that took some deliberation and kind of a tight balancing act. Along with countries like Australia and the U.K. and to some extent other countries, although maybe not to the extent that Canada has, we feel we have managed to address that very volatile situation.

The other thing we should also remember as members is that as we continue to show our presence and to set out our ideals to the world, it is within our intent, and I think the intent of all the countries that have signed the agreement, to encourage those other countries to also ratify this agreement. This should be something we should all work toward as well.

Mr. Bob Dechert (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, I would like to thank my hon. colleague for the good work he does on the foreign affairs committee.

I would like him to imagine what the Canadian legislation might be like without clause 11, and ask him for a scenario that could exist where a Canadian commander was under close attack with Canadian troops and called in American support in a situation such as we had in Afghanistan and the American pilot dropped a cluster bomb.

If we did not have clause 11, would the Canadian officer be legally responsible? If he had suspected cluster munitions would be used, should he have not allowed those to be used and put his Canadian soldiers at risk? What would the legislation look like if the opposition members had their way? Could member answer those question?

Mr. Dave Van Kesteren: Mr. Speaker, my colleague is correct that were that the case, the officer would be subject to the act as a result of his breaking the law, quite frankly. He absolutely would be held responsible.

It is a prudent thing to do and it is a reality of war. It is a reality of the current situation. We have engaged with the Americans.

There was a question a little earlier where we talked about New Zealand. Yes, New Zealand has perhaps a different twist on this, but the reality of the situation is that it is highly unlikely that New Zealand will participate with the United States or Turkey. We hope this is not the situation. However, these situations may arise and it is prudent for us as a nation to safeguard our men and women should we go into combat or should we go into a theatre with the United States or any country.

We continue to encourage those countries to follow this direction, and it is our hope that these terrible weapons will be eradicated from the world.

[*Translation*]

Ms. Francine Raynault (Joliette, NDP): Mr. Speaker, I would like to know whether the government is prepared to amend this bill in committee to make it the best in the world, or whether the government wants Canada to be seen on the world stage as timid, inadequate and regressive.

● (2300)

[*English*]

Mr. Dave Van Kesteren: Mr. Speaker, that is why we are here tonight. That is why we debate these things honestly and openly.

We would consider, if there were an amendment that we could agree on, it as part of the process, and I would certainly invite that as well.

This is the second reading stage of the bill. It needs to go to committee, and usually committee is the place where that is addressed.

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I cannot help but begin by drawing attention to the fact that, yet again, the Leader of the Government in the House of Commons rose in the House a few minutes ago and sought unanimous consent to rush through another government bill. Of course, he failed to get unanimous consent, so he served notice that the government intends to bring in time allocation. I would point out that it will be the 46th time that it has happened with the Conservative government, which is a record among all governments.

I want to bring this up because it is 11 o'clock at night, we are sitting until midnight and we are debating legislation that has been sitting around for years. This particular bill that we are debating tonight, Bill S-10, is one such example. It is really quite extraordinary that we have a government that is so contemptuous of democratic practice.

We are here as parliamentarians to uphold democratic practice for our constituents and for all Canadians. That is what we do in this place, we debate legislation. I consider it an affront to all members of Parliament, but particularly the opposition, because our job is to analyze legislation, scrutinize it and hold the government to account. That is the basis of our parliamentary democracy. To see the government time and time again without purpose and rational reason, but for political reasons, rush through legislation and cut off legitimate debate in the House is deeply disturbing.

I just wanted to begin my remarks with that, because it has become so routine that we now come back to the House during the day, interrupting committees and other business, to vote on these time allocations. Even we, ourselves, forget just how sickening it is in terms of what this process is about and how bad it has become. The government now does not even blink an eye. It has just become its modus operandi, its MO, in terms of how it does its business. That is a pretty sad day for Canadian democracy.

The bill before us tonight that is being debated, Bill S-10, deals with the ratification of the treaty on cluster munitions. It is surely a very important bill, as the convention is very important too. Many of my colleagues tonight have given wonderful descriptions and oversight of the importance of this issue and the fact that these cluster munitions are now stockpiled to the amount of something like four billion. That is incredible when we think of the harm that is being done to civilian populations. We do know that 98% of all recorded cluster munitions casualties have been civilians. They are innocent people.

We know that these cluster munitions, or bomblets as they are sometimes called because they are very small, can do tremendous harm, if not killing people, then maiming them for life. We have seen this in many countries. I think there are about 37 countries that have been engaged in actions where cluster munitions have been in effect.

Clearly, this is a humanitarian catastrophe. Canada has historically had a very good record. The Ottawa agreement on banning land mines began in Ottawa. The global momentum came from this country. We have a very honourable record on some of these issues. Canadians have been very proud over the decades to be advocates for nuclear disarmament and for disarmament generally. Certainly, when we look at these inhuman cluster munitions and the damage that they do, we can all recognize that a convention that would ban their operation is critically important to real human security.

We live in such a militarized world. We live in a world where the resolution of conflict often becomes a military resolution. We have seen a global situation where diplomacy often takes a back seat. One thing that really worries us is that we now see a Conservative government in this country that seems to have a mindset that sees military operation as a higher priority. We have seen diplomatic actions and the role that Canada has played historically as something that becomes more minimal in its approach. That is very disturbing.

● (2305)

That is why, when Canada signed this convention in 2008, it was seen as a progressive thing, as a good step, a good step forward.

We know that 111 countries have now signed the convention and 68 have ratified the convention. Once the convention has been signed, it is still up to individual countries to then bring in their own legislation to ratify, which is what we are debating tonight.

Clearly, we would all like to see those remaining countries sign the convention. However, what we are debating here tonight is what Canada's position is, what Canada has done, and what the government is proposing.

The first thing I would do is echo the comments of my colleague, the member for Winnipeg Centre, who asked the obvious question as to why this legislation has been sitting around for so incredibly long. It was signed in 2008. It did not get tabled in the House of Commons until December 2012. Then it went to the Senate and hung around there some more, yet here we are, jamming it through at the last minute, at 11 o'clock at night with, really, no regular debate.

I think, number one, it becomes very suspect as to what the government's agenda is and the fact that it is not willing to allow this legislation to stand the rigorous test that all legislation must live up to. That is our role, but it is also the government's role.

Therefore, number one, I want to put in the debate that we are very concerned about the timing of this bill and how the government deliberately seemed to allow this bill to lapse for so long and now is now rushing it through when, presumably, not many people are paying attention so late at night. We know that many Canadians are concerned about this issue.

One of my colleagues tonight spoke eloquently about the thousands of young people who have signed petitions in support of the convention and expressed their concern about these cluster munitions. We know that people are very concerned about this issue. They want to see our government do the best it can do—not the minimal, not the lowest common denominator, but the best effort that we can do.

When we examine this legislation and look at what other countries are doing and look at what experts are saying, we come to the conclusion that this bill, Bill S-10, is flawed. It would not live up to the convention. In fact, it would undermine the convention.

We hear what others who have been very involved in this issue have said. For example, the former DFAIT negotiator, Mr. Earl Turcotte, stated, "the proposed Canadian legislation is the worst of any country that has ratified or acceded to the convention, to date." That is a very a strong statement. That is coming from the former negotiator for Canada on the convention. Surely the government would listen to this kind of expert advice, but apparently it is being ignored.

Then the former Australian prime minister, Malcolm Fraser, stated, "It is a pity the current Canadian government, in relation to cluster munitions, does not provide any real lead to the world. Its approach is timid, inadequate and regressive." Again, these are very strong and quite astounding words to hear from an ally, a former prime minister of Australia, about this Canadian legislation.

Many of my colleagues tonight have painstakingly gone through the legislation and shown point by point, but particularly in section 11, how this legislation would not meet the standard that needs to be met in order to live up to the substance and the principle of the convention before us.

I would quote one other expert source, and that is Mines Action Canada. It did a comparison between Australian and the U.K. and then looked at current best practices of various aspects of the bill, including New Zealand and Belgium.

It too comes to some analysis that I think should set off the alarm bells for us in terms of what Bill S-10 is all about. It states, "Canada's legislation allows Canadians to be more proactive in their involvement with the use of cluster munitions, which we feel runs counter to the prohibition on assistance. Section 11 seems to go further than any other legislation worldwide in permitting Canadians themselves to use cluster munitions in very specific cases. This is an unacceptable deviation from the spirit and letter of the convention and from Canada's commitment to lessening the humanitarian impact of conflict."

● (2310)

It further states, "Section 11, paragraph 2, regarding Canadian transport of cluster munitions, has no equivalent in the draft Australian legislation or in the U.K. legislation, again showing how far Canada's legislation has strayed from the spirit of the convention on cluster munitions".

These are not ambiguous words that the representatives of Mines Action Canada are using. It is not fuzzy. They are stating quite clearly that from their expert analysis the bill is leaving Canada in a very ambiguous position. It would leave our Canadian Forces in a very ambiguous and uncertain position. I do not think that is acceptable.

I am glad that my colleague asked a question just now as to whether the government is willing to look at amendments when this bill goes to committee. It presumably will, because it is under time allocation. The member responded that if we could all agree, there could be an amendment.

However, again we get back to this process issue of a travesty when legislation goes before a committee. The government is hell-bent on getting something through and is not willing to consider amendments that are eminently reasonable and rational and actually seek to improve the legislation. There are hundreds of examples of this happening, although with the bill before us we feel particularly bad because it is based on an international convention, and there is a great history of how these conventions can help with global security.

Surely it is incumbent upon Canadians, through our government, to ensure the legislation we have is the very best it can be, not the worst. It is very disconcerting that according to a number of these experts, Canada is doing the least it can do. Worse than that, it would produce conflict between the convention and the bill, this so-called "ratification". It is not really a ratification at all, but something that is contrary to the bill.

We will debate Bill S-10 as long as we possibly can. The bill will go to committee, and we will do everything we can at the committee. With due diligence and in good faith, we will try to improve it, and it will come back under time allocation, I have no doubt.

We have to alert Canadians as to the appalling agenda that the Conservative government has, not only in terms of what it does but also in terms of how it does it. It flies in the face of democratic practice.

I hope we will get another opportunity to debate this bill.

[*Translation*]

The Deputy Speaker: It being 11:14 p.m., pursuant to order made earlier today, it is my duty to interrupt the proceedings and put forthwith every question necessary to dispose of the second reading stage of the bill now before the House.

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

Some hon. members: Agreed.

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 yeas have it.

And five or more members having risen:

● (2315)

[*English*]

The Deputy Speaker: Pursuant to an order made on Wednesday, May 22, the division stands deferred until Wednesday, June 12, at the expiry of the time provided for oral questions.

* * *

FIRST NATIONS ELECTIONS ACT

The House resumed consideration of the motion that Bill S-6, An Act respecting the election and term of office of chiefs and councillors of certain First Nations and the composition of council of those First Nations, be read the second time and referred to a committee.

Mr. Jim Hillyer (Lethbridge, CPC): Mr. Speaker, I will be sharing my time this night with the member for Peace River.

I am very happy to have the privilege of speaking in favour of Bill S-6 tonight. As with most of our legislation, some of the main criticisms of this bill have to do with myriad problems this bill neither solves nor addresses. The irony, of course, is that those bills that avoid this criticism are criticized for addressing too much and receive the despised label of omnibus bill. I will save the opposition a bit of time and point out what the bill would not do.

This bill would not ensure good government in the first nations that adopt it. It would not guarantee that tribal councils and chiefs elected under this system will be wise. It would not, on its own, solve poverty or racism or ensure that every person under the act would receive a good education. It would not guarantee the independence and prosperity of those first nations that adopt it. No single bill can do all of these things on its own.

This bill would, however, provide a necessary framework to allow for good government, the selection of wise leaders, the enactment of just laws and the increase in independence and prosperity for those first nations whose electoral systems are still governed by the Indian Act.

Today there are 617 first nations in Canada. Thirty-six are self-governing and hold elections according to their own self-government agreements. There are 343 first nations that select their leaders under their own community-based systems, most of which have a specific election code developed within and by the first nation itself. Unfortunately, the 238 first nations that still hold elections under the Indian Act have been held back from achieving their full potential because of the limitations of the Indian Act's election system.

This system was created at a time when the federal government had no intention of allowing first nations to have any real sense of self-governance and therefore did not need to provide conditions that ensured fairness, stability or legitimacy. Some of the weaknesses in this old election system have led to leadership with low credibility and high instability and such problems as having only two-year terms of office, a loose nomination system, a mail-in ballot system that is open to abuse and no defined offences or penalties relating to election fraud.

[*Translation*]

Virtually no first nations are satisfied with the current system, but this bill gives first nations three options to choose from.

[*English*]

The communities that hold their elections under the Indian Act have the following choices.

The first option is self-government, the ideal scenario, but that goes far beyond simply determining their own election system. The second choice is to develop a community election code. Unfortunately, due to varying capacity, not all first nations are in a position to take advantage of either of the first two options. That leaves them with the third option, which is to simply carry on operating under the Indian Act system, complete with its long list of problems. The third option is not really an option at all, and many first nations are frustrated.

● (2320)

[*Translation*]

That is why we need this bill, which gives these communities a third viable option if they cannot choose one of the first two options.

[*English*]

The first nations elections act would allow first nations currently operating under the Indian Act to hold elections under a legislated system that would be strong, modern and comparable to municipal, federal and provincial government election systems.

[*Translation*]

First nations have been calling for this solution for many years. They even made recommendations advocating such legislation. Those recommendations form the foundation of this bill.

[*English*]

Bill S-6 would provide a reliable, consistent, modern approach to elections in first nation communities that would increase the transparency, legitimacy and stability of their governments, which is a necessary precondition of independence and prosperity.

The first important aspect of this legislation is that first nations could opt in. They could choose to use the system.

[*Translation*]

It is not mandatory.

[*English*]

For those first nations that did opt in, the band council would now have four-year mandates instead of two. This would go a long way toward improving political stability in their communities and would foster a better climate for economic development and long-term investment.

The bill would also tighten up the nomination process. Right now, many tribal elections have literally hundreds of people running for a 12-member council, making the election results, in many cases, statistically arbitrary. This comes from the fact that one person can sign dozens of nominations. He or she does not have to be choosy when nominating candidates.

Furthermore, a single person can run for chief, tribal council and any other position available at the same time. This legislation would restrict the number of candidates any one person could nominate and would allow a given candidate to run in only one position in any given election.

Bill S-6 would also remove the Minister of Aboriginal Affairs from the elections appeals process. Just as in provincial and federal elections, the power to set aside elections and to appeal those decisions would rest with the courts, where it belongs. This is a judicial matter and should not be in the hands of a legislator or the executive branch.

Finally, believe it or not, under the current system, things such as electoral fraud, ballot-box stuffing, buying and selling of mail-in ballots, bribes, et cetera, are not expressly forbidden. The bill would finally prohibit specific offences and would attach definite penalties for corrupt activities that interfered with the electoral process.

[*Translation*]

Anyone who engages in those kinds of activities will no longer be able to get away with it. They will be forced to face the consequences of their actions.

[*English*]

The first nations elections act would enable first nations communities, if they chose, to put in place a more reliable, consistent and legitimate system of elections. This would make it possible for members of these first nations communities to add transparent, accountable and effective chiefs and councillors as part of a more stable, respectable and reliable government. This would lead to confidence in government and in the community itself. It would inspire community members and outside investors to invest in these communities and to even bring their businesses and their business operations to these communities, which would bring about real, measurable benefits to first nations people, such as jobs, high-paying jobs, overall prosperity and higher tax revenue. That, in turn, would help pay for infrastructure, which would increase jobs, high-paying jobs, overall prosperity and higher tax revenue, which in turn would help pay for infrastructure. The cycle would go on. It would also pay for education, the arts and our cherished social programs.

The key to realizing these benefits is political stability and predictability, but most important, political legitimacy. Bill S-6, by providing the necessary framework, would make it possible.

In addition to our federal and provincial electoral systems, most of us in the House live in communities in which the political conditions for economic prosperity are taken for granted. So imbedded are these characteristics in our local governments and the electoral systems of those jurisdictions that we do not even notice them. We do not appreciate the extent to which they are transparent, accountable and legitimate and therefore make us ready to seize economic opportunities.

Unfortunately, not all first nation communities enjoy similar political conditions and therefore cannot seize their economic opportunities and seize control of their own lives.

It is time that changes. It is time for first nation elections to be reformed, and it is time to provide the legislative framework that would allow their governments to truly foster the conditions necessary to chase away corruption and attract prosperity.

● (2325)

[*Translation*]

I urge all of my hon. colleagues to vote in favour of Bill S-6 and in favour of an open, transparent, and accountable government for all Canadians.

Ms. Isabelle Morin (Notre-Dame-de-Grâce—Lachine, NDP): Mr. Speaker, I thank my colleague for his speech.

One of the key recommendations from the AMC and the AFN was to establish an independent, impartial appeal mechanism. I wonder why the Conservatives ignored those recommendations.

I would like to know whether the Conservatives will commit to working with first nations to establish an independent first nations election tribunal.

[*English*]

Mr. Jim Hillyer: Mr. Speaker, as I said, under the Indian Act, any appeals on elections go directly to the Minister of Aboriginal Affairs. This bill would change that so that appeals would go to the courts

I do not know what the member thinks, but I consider the court system in Canada an independent process of appeal.

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC): Mr. Speaker, we are talking about democracy. I think that is something everyone in this House can stand up and believe in. What the government is doing is trying to modernize. With the system in place right now, there is the possibility of fraud. It is ancient. It is outdated.

The first nations communities deserves democracy. They deserve representation. They deserve to be brought into the modern era. It seems that the opposition wants to delay this type of legislation.

I was wondering if the member could give his opinion as to why it is so important that we finally bring this piece of legislation forward for equality and democracy for first nations.

Mr. Jim Hillyer: Mr. Speaker, I appreciate the question, because that is at the base of a fundamental misunderstanding of the difference between a right and a guarantee. As much as we would like to provide guarantees for everyone to have a Mercedes and a three-storey house, we cannot always do that. Rights are the pre-condition to acquiring whatever people want guaranteed.

As with the bill on matrimonial housing rights, a lot of the concerns were that the women involved did not have the money necessary to buy the house or go to court or whatever. That was a shortcoming of the bill. However, it provided the necessary framework so that they could start with those things.

We have to start by giving first nations the right to determine a legitimate self-government. Those are the pre-conditions for accomplishing the other things, the things some of our opponents find lacking in this bill. That is because that is not what this bill is about. The bill would set the framework and allow first nations to start solving those problems, as is necessary for anyone who wants to self-govern.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I thank my hon. friend from Lethbridge, and I welcome him back to the House. People who are watching may be happy to know that he is recovering well from a skiing accident. Just apropos of my friend's comment that everybody here can stand up, at least the hon. member for Lethbridge will be able to soon.

My concern, as with many pieces of legislation in this House, is that many of them come from the other place. They are taken apart, bit by bit, and chip away at what should be a transformation exercise relating to a new relationship and a change from the antiquated Indian Act, which has a lot of baggage. I will not get into all of it. I will not have time in this short question.

My concern, and I wonder if the hon. member from Lethbridge would agree with me, is that we would be far better off to have full consultation, nation to nation, Canada to all first nations, in a process that ensures that first nations are full partners in a holistic, comprehensive approach rather than this piecemeal, and I hate to say it, disrespectful approach, to changing legislation that directly affects the lives of first nations peoples.

● (2330)

Mr. Jim Hillyer: Mr. Speaker, I would definitely like a holistic approach where every first nation in Canada would come together with Canada and with each other to find one big, holistic solution. Maybe someday that will come. It might be at the second coming. However, in the meantime, we have to get something done to allow each first nation to determine its own path while we are waiting for this great day.

Mr. Chris Warkentin (Peace River, CPC): Mr. Speaker, it is a privilege for me to stand in this House today to speak to Bill S-6. I thank the hon. member for Lethbridge for sharing his time with me tonight. I am glad he is back in the House. I congratulate him for his contribution to the discussions tonight.

I serve as the chair of the aboriginal affairs and northern development committee, and over the last number of months we have been seized with a number of pieces of legislation that I believe are important to equip and empower first nations to move forward on a number of fronts.

Today, we have the opportunity in the House to continue a discussion on an important piece of legislation that will transform and modernize the elections of first nations, those first nations that choose to be empowered by this act. It is not an act that is being placed on first nations if they do not want it, but they have an opportunity to opt in if they want.

That is what is unique about our government. We are a government that recognizes that first nations are different. From one part of this country to another, first nations are as different from coast to coast to coast as communities are different from coast to coast to coast. It is important that we do not put a one-size-fits-all solution on folks from every part of this country and that we let first nations communities create their own environment to move forward in the way that best supports their priorities.

That is unlike the Indian Act. I think everybody in this House can agree that the Indian Act is an outdated piece of legislation that has lived out many parts of its usefulness. However, it obviously has a great amount of history and it would take some time to move us out of that.

I respect the fact that members are calling for an overhaul and a complete turning of the page. We can recognize as we look from one issue to the other with regard to the Indian Act that there are first nations that have different ideas as to how to move into the future. It is important that we give each community the ability to be empowered, so that they are able to articulate a vision for the future that would reflect the interest and the desires of first nations membership within their communities. That is different in every community.

The Indian Act does spell out issues surrounding elections in first nations communities. I just note that the last time this portion of the Act was updated was sometime in the 1950s.

A lot has changed between now and then. It is important to reflect on the thinking at that time. When they were revamping the Indian Act in the 1950s, it should be noted that the rules as they related to elections were really geared toward holding first nations governments accountable to the minister, rather than holding first nations leadership accountable to their electorate or to their members.

The bill goes a great distance in rectifying this. I think it is so important that we work together collaboratively to see this legislation move forward.

It has been articulated by the member for Saanich—Gulf Islands that we move forward with a complete overhaul of the Indian Act, but even in the discussions that led up to the change in this portion, just in the issue of elections, there are different visions and different ideas from one part of this country to the next. It is important that we bring forward legislation that provides options for first nations. That is exactly what this legislation does.

However, we do it in a pragmatic way, not in a way that may have a lofty goal without ever being implemented. We have a policy right now that will really create opportunities for those first nations that do want to move forward on this.

● (2335)

We have been undertaking a number of things that will give rights to first nations that they have been limited to receiving in the past as a result of the Indian Act.

Members will reflect on the fact that it was our government that in 2008 repealed section 67 of the Canadian Human Rights Act. It finally gave first nations people living on reserve the right to recognition under the human rights act. First nations communities had been waiting decades for that. Unfortunately, the Indian Act had separated them from the right that most Canadians enjoy and take for granted. That was one of the things we did.

Just recently, we extended matrimonial real property rights to first nations women to protect families and those people who were vulnerable in first nations communities.

We are continuing to bring the rights that most Canadians take for granted to those people who live on reserve.

The legislation continues the process of giving rights to first nations people, the same type of rights that other Canadians have come to expect and take for granted. Unfortunately, those rights have not been there for first nations and this bill would go a great distance in providing first nations with additional rights.

I should note that approximately 240 first nations across the country undertake their elections according to sections 74 through 79 of the Indian Act. This regime is not satisfactory for a number of reasons, the least of which is it imposes two year term limits on the time which chiefs and councils can serve in office.

Those of us in elected positions know that two years is really not enogh time for us to become equipped to serve in the capacity of our roles and to take a mandate and try to get it completed, then to continue that and have any type of stable governance in any community. A two-year time limit gives enough time for MPs to learn the basics of our job and then immediately be thrust back into an election campaign. That is not a sustainable structure for governance. Anybody in the House, when reflecting upon it, would say that a two-year term limit is really unreasonable for any elected official, and first nations people should have the right to extend it if their community so desires.

It has been recommended by the Atlantic Policy Congress as well as the Assembly of Manitoba Chiefs that the term limits be extended to four years. This is now articulated within the legislation. When we consider the recommendations that came from these two organizations, it makes a lot of sense.

A two-year term limit barely gives enough time for MPs to get trained in their jobs before they are running for re-election, but there are other practical reasons as well.

A two-year term limit is difficult for a new council, especially those people who have run for election for the first time. A new council would find it very difficult to build the necessary relationships to move their communities forward within two years.

One of the most important things that a local council can do is build relationships with neighbouring jurisdictions, with other municipalities or neighbouring government organizations. There is a limited opportunity as well to build relationships with financial organizations and with those people who might want to invest within these communities. This two-year extension is very important.

We believe very strongly in allowing first nations to build an environment within their communities where they will be able to foster an opportunity for the private sector to invest in their communities. Extending the term to a four year limit will allow these first nations communities to have a stable council, a stable government that will be able to negotiate and build an environment so private investment is undertaken within their communities. This would lead to opportunity, prosperity and hope for people who live in these communities, leading to better education, better health care and better outcomes generally.

● (2340)

[*Translation*]

Ms. Christine Moore (Abitibi—Témiscamingue, NDP): Mr. Speaker, given all bills before the House that have to do with first nations, including this one, I have a simple question that is however worth asking.

When dealing with first nations issues, does my Conservative colleague think it is better to have a relationship of equals instead of the paternalistic approach that the Conservatives use on almost every bill?

It is truly a simple question and I would like an answer.

[*English*]

Mr. Chris Warkentin: Mr. Speaker, one of the things we have as a hallmark of our government, as it relates to first nations, is we do not believe that a one-size-fits-all solution works for first nations across the country. That is why we have built framework legislation that allows for a different reality in one community than possibly in other communities.

In this case, with regard to the Elections Act, we had strong recommendations from the Atlantic first nations and from Manitoba chiefs. They are asking for this legislation to move forward. They believe the provisions in this act would ensure they could move forward in a way that would better equip their communities. This is being asked for.

It is not a requirement that first nations move into this act; it is actually opt-in legislation. Therefore, those first nations that would desire to be under this act could move into it. Those that choose not to could continue under the current regime.

[*Translation*]

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, I would like to remind my colleague that one of the key recommendations from the AMC and the AFN, was to establish an independent, impartial appeal mechanism.

Could he tell us why the Conservatives ignored this recommendation in Bill S-6?

Will they commit to working with first nations on establishing an independent first nations election tribunal?

[*English*]

Mr. Chris Warkentin: Mr. Speaker, we do envision an opportunity for independent and impartial appeals, and through the courts process that is exactly what is undertaken. That is what we as Canadians put our trust in, that those folks who serve in their capacity as judges and within the legal system can provide an impartial appeals process. We believe first nations should have the right to that as well.

[*Translation*]

Ms. Ève Péclet (La Pointe-de-l'Île, NDP): Mr. Speaker, I listened closely to my colleague's speech and he spoke of democracy, respect and so on a number of times.

In the bill, paragraphs 3(1)(*b*) and 3(1)(*c*) allow the minister to subject a first nations community to this law against its will. Numerous groups have called for these provisions to be removed because they give immeasurable discretionary power to the Minister of Aboriginal Affairs and Northern Development.

Can my colleague share his thoughts on whether a clause that would allow a minister to force people to be subject to a system that they have not willingly accepted is democratic?

[*English*]

Mr. Chris Warkentin: Mr. Speaker, I appreciate the opportunity to clarify.

Obviously, the member has not read through the legislation because this provision within this legislation would allow for first nations to undertake a provision that they would have full control over. Under the circumstance that would be "a protracted leadership dispute [that] has significantly compromised [the] governance of [this] First Nation" then the minister could allow for the first nation to actually choose new leadership.

The minister would not make the choice. He would cede that responsibility to the first nation population. That is exactly what first nations folks are asking for. They are asking for the right to be empowered and the ability to make the choice for themselves as to whom they want to lead them forward. This is not a choice of the minister; it is a choice of the first nations people.

However, without this provision, all that is left is the requirement that we go back to the Indian Act, where it actually spells out a process for dispute resolution that is much more paternalistic. Therefore, it is important that we empower first nations to be the voice and to make the decision as it relates to their own future.

● (2345)

[*Translation*]

Ms. Christine Moore (Abitibi—Témiscamingue, NDP): Mr. Speaker, I will be sharing my time with the deputy house leader of the official opposition, who is also the excellent member for Saint-Lambert.

This evening I am speaking to Bill S-6. I want to specify that the bill comes from the Senate and that is why it is assigned the letter *S*. It is an Act respecting the election and term of office of chiefs and councillors of certain First Nations and the composition of council of those First Nations.

The bill came out of a series of regional round table discussions that were held in Atlantic Canada and Manitoba. The objective was to improve the way elections are run in first nation communities.

I want to point out that although there was consultation, round tables were not held with every first nation community. Those communities are in every province, including Ontario, Quebec, British Columbia, Saskatchewan and Alberta. These communities were not consulted during the round tables. There was indeed consultation, but not with every first nation.

We are talking about this bill because a number of concerns were raised about the provisions in the current Indian Act with regard to elections and the rules on elections organized by the communities.

The Indian Act has eroded first nations traditional political cultures and political systems. Before white people arrived in Canada, first nations had their own system for electing their chief. This was part of a custom that, most of the time, was traditional and not recorded in writing. Everyone knew the rules, but they were not necessarily written down. They were passed down from generation to generation. Aboriginal communities clearly had a more oral tradition than a written one. Everyone agrees on that. It explains why many aboriginal communities have different ways to write the exact same language. It is because they only ever spoke it. They never wrote it.

Another problem is the two year election cycle, which causes instability and prevents first nations governments from engaging in long-term planning and development.

Many of the MPs here tonight first won their seats in the 2011 election. However, a few of them have been here longer than that and have experienced the successive minority governments. I think that everyone will agree that, if an election is held every two years, it becomes difficult and complicated to establish a government, whether it be in a first nations community or elsewhere. Those involved try to determine the role that each person will play in the government in question, but once that has been established, it is practically time for another election, so yes, that is a problem with the legislation.

The current problem with the Indian Act is that it reverses the accountability structure and makes band councils accountable to the minister rather than to their communities. The election provisions set out in the Indian Act give the minister or the Governor in Council considerable power over first nations elections and governance structures, including the number of members that can sit on a council, the way in which the chief is elected and the way appeals are dealt with. The minister can also order first nations to be subject to the Indian Act.

There are therefore many opportunities for the government to interfere in elections, which is a problem. That is not a good foundation for a relationship of equals. It does not make sense to make band councils accountable to the minister rather than to their communities. Members of the House are first and foremost accountable to their constituents, and that is how it should be. Anyone who sits in a chamber, who is a member of a government, whether it is a first nations government or here in the House of Commons, must first be accountable to their constituents, because their constituents are the ones who elected them to that position.

I would also like to specify that, right now, under the act, the appeal process, which is, of course, carried out by Aboriginal Affairs and Northern Development Canada, is very long. It is also lacking in terms of thoroughness, transparency and procedural fairness. I would like to remind hon. members that election disputes sometimes occur and, since first nations are operating on a two year election cycle, a government can spend almost its entire mandate dealing with an election dispute, which does not help matters.

● (2350)

First nations communities are forced to choose their selection rules based on requirements set by Aboriginal Affairs and Northern Development Canada. These rules are limited to a rather restrictive governance model that does not take first nations traditions and customs into account. For example, having a written code requires resources and expertise. There are two problems with the written code. These communities sometimes have very small populations and few people with the education to be able to write rules in legal terms. Furthermore, this is being imposed on people who come from an oral culture. People with limited resources are being asked to develop written rules, even though written rules are not part of their traditions. The Indian Act therefore currently presents some problems.

This bill is designed to set out election rules that are different from what is currently in the Indian Act. This includes an election cycle longer than two years and the ability to have common election days, but it unfortunately grants the Minister of Aboriginal Affairs the power to order first nations to be subject to this new regime.

The minister will therefore have the power to interfere in the affairs of a first nation. Instead of developing a relationship of equals and offering advice, he is interfering. The government is saying that first nations must conform and that the government is sick of things not working. In short, it is telling them what to do. That is a paternalistic attitude. As long as they keep that up, they will never be able to develop a relationship of equals with these communities.

The bill also sets out an election appeal process through the courts, instead of through Aboriginal Affairs and Northern Development Canada. It may be shorter, but I am not sure this measure will speed things up.

There are sanctions if they do not comply with the election rules.

The NDP wants to improve the first nations electoral system, but this bill does not tackle the Indian Act head on. It does not address the problems in the act. It does not address the considerable powers the Minister of Aboriginal Affairs has over a band's right to determine its own future. That makes no sense.

First nations supported the bill initially. There were round table discussions. However, when they read the final version, the changes they asked for had not been included. If the bill passes at committee stage, you can bet that the NDP will try to ensure that those changes are included in the bill.

Right now, first nations have three different ways of electing their leaders. First of all, 41% hold elections in accordance with the Indian Act. In addition, 54% hold community-based elections or "custom elections". Of course, they have to develop written election codes, which have to be well known. Lastly, 5% choose their leaders pursuant to the provisions of self-government agreements.

The problem with this bill is that it does not amend the Indian Act. It does not really address the problem that exists in the Indian Act, while also giving new powers to the minister.

Of course, the legislation could grant more autonomy if it were voluntary, but the new provisions allow the minister to interfere with any band and, without consultation, force it to adhere to these principles.

The government had an opportunity to create legislation by consulting first nations and creating a relationship of equals, but unfortunately, once again, it did not do so and instead adopted a paternalistic attitude. The government has said that since first nations did not agree and an agreement could not be reached, the government will decide for them. It is imposing its view and first nations have to accept it.

As long as the government maintains this kind of attitude towards first nations, no real partnership can ever develop.

I have five aboriginal communities in my riding. Since being elected, I meet with them regularly. They have told me repeatedly that it had been forever since any federal government representative had bothered to go and see them.

Speaking with them is the least we can do.

● (2355)

[*English*]

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, in listening to some of the government members' positions and many of the speeches we have heard tonight on different bills, Canadians might start asking what the government is trying to tell first nations about good governance. Currently it has two members in court trying to keep their seats in the House because they have improperly filed elections receipts. In other words, many of the issues we are debating tonight are about the trust that Canadians have, or do not have, in the government. I am wondering if my colleague would like to comment on the issue of public trust as it pertains to the bill.

[*Translation*]

Ms. Christine Moore: Mr. Speaker, I will respond by talking about aboriginal communities in general.

Everyone in Canada has heard about the Idle No More movement. Aboriginal youth, and some older members of the community as well, took to the streets to say that they had had enough, that they could take charge of their own lives and do something. They want to be treated as equals.

That movement would not have existed if the Conservatives had been respectful of aboriginal communities and open in that relationship. Idle No More showed that aboriginal people do not trust the government anymore, that they are tired of hearing promises year after year and never seeing action. That is the message that needs to be repeated and understood.

We need to stop acting like children. In our country's history, the aboriginal people were here first, and they did not cede their lands or their rights. We come here and are constantly forcing bills on them. We do not listen to them. We do not try to include them. Then we ask them to trust us, despite the fact that they have never had access to everything they have been entitled to for years.

First nations communities live in poverty, and this government is asking them to trust it. It does not consult them, but it knows what is good for them, even though no Conservative has ever set foot in an aboriginal community, as far as I know.

It has been years since aboriginal people have seen a government representative, yet they are told that the government knows what is good for them. That is bullshit. Sorry, Mr. Speaker, I would like to withdraw that word.

The government needs to get out, go see them and talk to them. It is not complicated.

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, I would like to commend our colleague for her speech and the passion she brings to the debate on this bill.

As you pointed out, it is almost midnight and tempers are flaring a bit. All the passion and energy she invested in her speech seem to be reflected in her last words.

My question concerns the settlement of appeals by the courts. This is still a very long and cumbersome process, which forces first nations to grapple with a justice system that knows very little about aboriginal cultural and political traditions.

Some witnesses called for the creation of an independent court for first nations, similar to those in place at the federal and provincial levels in Canada.

What can our colleague tell us about that?

● (2400)

Ms. Christine Moore: Mr. Speaker, it would be worthwhile to listen to them. If they believe that this measure could help them, it would be wise to consider it.

In any case, it is obvious that the current appeal process does not work, especially with a two-year election cycle. By the time the appeal is settled, it is time for another election. Again, this is basic. They must be consulted. If this is the general will and it can be implemented, it is worthwhile to create something that really fits their needs. This is basic.

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, first of all, I want to point out to the House that this will be this government's 44th time allocation motion.

Since May 27, just over two weeks now, the Conservatives have moved 12 time allocation motions. Each time allocation motion costs us about one hour of debate on the bill in the House, when we ask questions to the minister and vote. This means we have lost 12 hours as a result of the stubborn approach taken by this government, which refuses to work with the opposition. We only got a few minutes, on a Wednesday night, around midnight, to talk about this bill. Only two people were able to speak.

How can the government justify imposing a time allocation motion on this bill? This is unfortunately yet another example of their undemocratic attitude.

I am pleased to speak to Bill S-6 regarding the election and terms of office for chiefs and councils of certain first nations, as well as the composition of their respective councils.

Aboriginal issues deserve special attention and concerted action. Parliamentarians in the House must work with everyone involved to develop long-term solutions for these communities. That was unfortunately not done with this bill.

In recent years, hundreds of aboriginal women have gone missing or have been murdered, yet no public inquiries have been conducted. The unemployment rate in many of these communities remains twice as high as in the general population, yet we have not seen any plans put forward. Many social problems and infrastructure deficiencies remain, but the government is not addressing the situation.

That is the reality for many aboriginal peoples, and the Conservatives will certainly not solve these problems by imposing their unilateral vision. They will also not achieve this by adopting a confrontational attitude or by forcing the communities to accept their vision. We must work with first nations to come to a consensus that will bring about sustainable solutions.

In a letter to Gerry St. Germain, the chair of the Standing Senate Committee on Aboriginal Peoples, Chief Nepinak accused the government of acting in bad faith and ignoring the discussions it had with first nations and the promises it made to them and instead unilaterally imposing legislation containing many unacceptable provisions. He said that the government basically included only one of the first nations recommendations and rejected all the others.

If we want to find sustainable solutions for first nations, we must conduct consultations and, most importantly, we must take into account what was said when it comes time to implement policies. It is simply irresponsible to reject out of hand the suggestions made by the most important stakeholders in the process.

Some hon. members: Oh, oh!

Ms. Sadia Groguhé: Mr. Speaker, could I ask you to call the members to order?

● (2405)

[*English*]

The Deputy Speaker: It is getting noisy in here. We have only about five minutes to go. If members want to carry on conversations above a whisper, please take them outside the chamber.

[*Translation*]

Mrs. Sadia Groguhé: Mr. Speaker, it is simply irresponsible to reject out of hand the suggestions made by the most important stakeholders in the process.

Bill S-6 contains several measures related to the election process. First, the government plans to impose an election cycle of longer than two years on aboriginal communities. Then, the government could potentially establish a common election day.

What is more, the bill grants the Minister of Aboriginal Affairs new powers to compel first nations that are holding elections to comply with the new regime. The primary consequence of giving the minister this new power is to once again limit the autonomy of the first nations.

A new elections appeal process will be implemented that will be dealt with by the courts rather than by Aboriginal Affairs and Northern Development Canada. In this regard, we would like to point out that the time it will take for the courts to deal with these appeals could impede the activities of some communities.

Finally, Bill S-6 contains penalties for failing to comply with the election rules. Once again, the government has decided to penalize aboriginal communities rather than partnering with them.

The NDP believes that this piece of legislation does not address the real concerns of aboriginal communities and fails to tackle the various problems they struggle with.

Bill S-6 does not amend the Indian Act and does not directly address the various problems associated with this legislation. The resulting shortcomings will undermine the proposed solution and ensure it cannot mitigate existing problems.

Bill S-6 also provides for limited self-government for aboriginal communities by allowing the minister to determine the future of a band without consultation, without co-operation and without any actual long-term perspective. We believe that undermining the autonomy of first nations will do nothing to resolve the current situation or to help find solutions for the future.

According to Jody Wilson-Raybould, British Columbia regional chief:

> These provisions essentially give the minister the ability to impose core governance rules on a First Nation, which...would be resented by that First Nation, would not be seen as legitimate in the eyes of that nation, and would probably add fuel to an already burning fire.
>
> Ultimately, each nation must, and will, take responsibility for its own governance, including elections.

Jody Wilson-Raybould expressed one of our primary concerns regarding allowing aboriginal communities to maintain their autonomy.

Bill S-6 is the result of consultations. The real problem is that Canadian authorities did not take the recommendations into account. The first nations participated in the consultation process. They made suggestions and showed that they were open-minded. Unfortunately, yet again, the government did not listen to them and refused to amend the bill to address the demands of aboriginal peoples.

We are urging the government to stop ignoring these demands and to listen to what the first nations want.

Grand Chief Derek Nepinak, from the Assembly of Manitoba Chiefs, said that this proposal does not fulfill the recommendations put forth by the AMC and that it appears to be an attempt by the minster to expand governmental jurisdiction and control the first nations electoral processes that are set out in the Indian Act or custom code. He said he hopes that Canada will engage in meaningful consultation with first nations in Manitoba in order to fix some of the problems, instead of unilaterally imposing a statutory framework that will greatly affect the rights of first nations.

In conclusion, aboriginal issues are far too important for not putting in place mechanisms to resolve disputes and problems effectively. Canada must engage in a real consultation process so it can work closely with first nations to address the problems affecting their communities. Imposing a solution selected by the minister will not achieve that goal and, on the contrary, could add fuel to the fire.

● (2410)

[*English*]

Mrs. Shelly Glover (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, I want to thank my colleague across the way for her comments, although I am a little confused about some of the things she said.

I am going to ask a couple of simple questions, and hopefully she can give me some simple answers.

First and foremost, the member talked about the importance of providing aboriginal people with some opportunities.

The opportunity that this act provides for aboriginal people is the opportunity for economic development, because when we are talking about economic development, ensuring that aboriginal people can come together and produce ideas that lead to job creation, which leads to economic growth for them, is important.

Only through elections that allow for them to work together for longer periods of time is that possible. That is why Manitoba chiefs came together and asked that there be a change.

The member went on and on about Manitoba, and how Manitoba chiefs did not want this measure. I would like the member to name at least three chiefs she has consulted with in Manitoba. I was the aboriginal affairs parliamentary secretary when this all started with the Manitoba chiefs, and I have met with dozens of them who agree that this is in fact a step forward that they would like to see.

I would like the member to name just three Manitoba chiefs she has consulted with.

[*Translation*]

Mrs. Sadia Groguhé: Mr. Speaker, of course it is important to talk about economic development. However, with respect to aboriginal people, economic development cannot be achieved through tyranny, and especially not without real consultation.

In my speech, I mentioned the importance of conducting real consultations that take into account the solutions put forward by aboriginal people. Bill S-6 does the opposite.

That is why, in 2013, the government is still telling aboriginal people how they should see the world and everything around them. However, it is not up to the government to do so. It is up to aboriginal people to determine their own vision when it comes to economic development.

Ms. Ève Péclet (La Pointe-de-l'Île, NDP): Mr. Speaker, in their speeches on this bill, government members made references to freedom, respect and democracy for aboriginal people.

However, many groups representing aboriginal people have called for the government to remove paragraphs 3(1)(*b*) and 3(1)(*c*), which give immeasurable discretionary power to the minister to subject certain aboriginal communities to the legislation. Instead of giving them the power to appoint a new chief, the government wants to subject these communities to rules governing that process. The parliamentary secretary must understand that there is a difference between the two.

I would like my colleague to comment on the fact that this measure, this discretionary power, is undemocratic and does not honour the intent of the law.

Mrs. Sadia Groguhé: Mr. Speaker, I would like to thank the hon. member for her very relevant question.

We once again have to deal with this government's undemocratic measures and solutions. We cannot stress this enough. It goes without saying that this is not the first time that we have seen a minister give himself discretionary power. There have been other examples of this. This minister is no exception.

He is not giving aboriginal people any freedom to make their own decisions. He is not letting them take charge of their own realities and their own future. The government is not consulting first nations, and when it does, it does not take into account the solutions they propose.

We are faced with a government that wants to control everything and that wants to advance its political agenda without taking into account aboriginal peoples or MPs. That is the direction that things are going in, and we are truly dealing with undemocratic positions and decisions.

● (2415)

[*English*]

The Deputy Speaker: That brings an end to the debate at this time.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

INTERNATIONAL TRADE

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I rise, I suppose I should say this morning. It is still June 11 on the calendar in front of the Speaker, but we know that it is June 12, at 12:16 a.m.

I am pursuing a question that I initially asked in question period on March 21. The question relates to the Canada-China investment treaty and its quite extraordinary measures which stand in quite sharp contrast, not only to other treaties in which Canada has become involved, but other investment treaties as well. On March 21, I contrasted some of the provisions of the treaty that had been tabled in the House in February with the small African nation of Benin. For this treaty, we have very low levels of trade compared to the $7 billion with the People's Republic of China.

I want to highlight one of the aspects of the Benin treaty versus the Canada-China investment treaty tonight. It is very difficult to get a proper debate on this issue. As you know, Mr. Speaker, we have not have had a proper debate on the Canada-China investment treaty, although it stands poised for ratification by the cabinet alone.

I should pause to thank the Hupacasath First Nation, near Port Alberni on Vancouver Island, for having the courage to take the matter to court. For three days of the last week, they were in court in Vancouver. We all await the decision of the judge in that matter, adjudicating as to whether first nations' rights have been violated. No first nations across Canada, whether treaty nations or otherwise, were consulted before the treaty was signed between the current Prime Minister and President Hu of China.

The specific matter I want to concentrate on in the remaining two and a half minutes that I have is the question of exit provisions. The first investment treaty in which Canada became involved was NAFTA, chapter 11, which allows exit by Canada, the U.S. or Mexico on 6 months' notice. The provisions of the treaty with Benin, to which I referred on March 21, are certainly much longer than that. There is a one-year notice period, and after one year's notice, any existing investments between Canada and Benin are protected for a further 15 years under the terms of the treaty which Canada and Benin at that point would have exited.

The extraordinary thing about the treaty with the People's Republic of China is that there is not six months as under NAFTA, or 16 years as under the treaty with Benin, which is bad enough; under the treaty with the People's Republic of China, Canada is bound for the first 15 years before notice can be given, followed by one year's written notice and then a further 15 years in which any investments made by the People's Republic of China are protected.

In other words, once ratified, this treaty will bind any Canadian government in the future for 31 years from the point at which the treaty is ratified. It is quite extraordinary.

I want to comment on a common misconception. Because the current Prime Minister has seen fit to withdraw Canada from a number of treaties, namely the Kyoto protocol and the convention on drought desertification, it has created some sense in the land that a future prime minister can just rip up a treaty.

Let us be clear. The current Prime Minister executed withdrawal from Kyoto under the terms of the Kyoto protocol. One year's written notice was required. Canada exited the treaty on drought and desertification on the terms of that convention. A notice of 90 days was required.

The Canada-China investment treaty would bind any future prime minister and government for 31 years. There is no way out, and if Canada were to unilaterally leave the treaty, it would be subject to damages and damage claims in 100 countries around the world.

In other words, the only way to stop this convention is to prevent ratification.

● (2420)

Mrs. Shelly Glover (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, although I have tremendous respect for that member of Parliament and know she works hard and whatnot, I am quite surprised at the lack of knowledge the member has on some of the information regarding this exact treaty. Let me take a moment to refresh my colleague's memory about why Canada is involved in this specific treaty.

Our government understands the importance of trade to our economy. It represents one out of every five jobs in Canada and accounts for 62% of our country's GDP. That is why our government moves forward with ambitious pro-trade plans. They are really the most vigorous in our country's history.

Our plan is to open new markets for Canadian exporters. That includes in the fastest-growing Asia-Pacific region. The opportunities for Canadian exporters in the Asia-Pacific are absolutely phenomenal. Countries in the region include those with economic growth rates of two to three times the global average.

However, before I speak further about the opportunities for Canada in the Asia-Pacific, and particularly with Canada's second-largest export destination, China, I would like to comment on a reference the member opposite made in her original question to our FIPA with Benin.

The FIPA with Benin is just one example of our government's engagement in Africa. In fact, in addition to Benin, Canada has concluded FIPA negotiations with Cameroon, Zambia, Madagascar, Mali, Senegal and Tanzania. These investment treaties will strengthen economic ties between Canada and these partner countries and help Canadian companies invest with greater confidence in these markets. At the same time, facilitating two-way investment helps generate jobs, growth and long-term prosperity that we all hope for in Canada.

Our government is proud of the steps we have taken to strengthen ties with our partners in Africa, but we help Canadian exporters and investors capture new opportunities in other fast growing markets around the world, including in Asia.

An important part of our commercial relationship is ensuring that not only two-way trade occurs, but also investment between Canada and other countries can take place in a stable and secure manner. That is why Canada has over 24 foreign investment promotion and protection agreements with key trade and investment partners, including with China, the world's second largest economy and now Canada's second largest export destination. This is only second to the United States of America.

Canada's trade relationship with China continues to grow. In fact, Canadian goods exports to China rose 15% last year, to over $19 billion. Not only that, but Canada's exports to China have nearly doubled under our Conservative government.

This is a favourable agreement that lends to create the opportunities that Canadian exporters need. It also provides opportunities in China, so Canadians can be present on the ground. That will lead to growth, economic prosperity and job creation.

Along with this trade agreement, there are many other good things to come. I sincerely hope the member opposite will give a second look to the agreement, because there are some wonderful opportunities for Canadians. I hope she will side with us in allowing us to provide those opportunities as have been indicated.

Ms. Elizabeth May: Mr. Speaker, let me point out the gigantic fallacy in what the parliamentary secretary just offered us. Implicit in everything she said was the idea—and it is not just the one member, but all of those who speak in favour of the treaty—that we could not trade with China or expand our investments in China or expand Chinese investments in Canada without this treaty. That is simply false.

The country in the world with the largest volume of trade with the People's Republic of China is Australia. Australia has specifically decided never to enter in to an investor state agreement again, not with China, not with other countries. Australia did what Canada has not done. Australia studied the costs and benefits of the kind of treaty that would allow a foreign company, and in the case of the People's Republic of China, a foreign government, to bring arbitration suits for billions of dollars if they did not like domestic laws passed democratically.

If Australia can attract $60 billion worth of trade with China without an investor state agreement, why on earth are we offering ourselves up as a sacrifice to the People's Republic of China and potential arbitration suits that will cost us our sovereignty?

● (2425)

Mrs. Shelly Glover: Mr. Speaker, that member is absolutely wrong. It would not cost us our sovereignty at all.

What the member said about opportunities that exist in Canada for Chinese investors is, in fact, true. However, the problem is that we do not have the same opportunities and the same equality of opportunity for our investors in China. That is why the FIPA is so important. It is to level the playing field and provide equal opportunity in both countries.

When I hear members talk about not proceeding with trade and using examples of countries that have refused to proceed with trade, I am appalled, because we are an exporting country. We must have trade to succeed. We must have trade to have economic growth.

Therefore, I would really urge the member opposite to reconsider her position against all trade, because it is not very much in the interest of Canada or Canadians.

TAXATION

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, I am noting that it is 12:25 a.m. It is late, but it is never too late to shine the spotlight on issues that are affecting small business in a negative way.

I am referring to a question I asked in the House regarding the increases in import tariffs that would leave Canadians paying hundreds of millions of dollars more for over 1,200 items. It would be a hidden tax on goods that will drive the customers of Canadian businesses to shop in the United States. It will be bad for consumers and bad for Canadian businesses.

The Conservatives talk a lot about their federal budget. They spend hundreds of millions of dollars advertising their economic plan. I would love to see them advertise some of these taxes that are hidden in the budget implementation bill, hidden taxes that would affect small businesses and the people who work in them.

Small business is the lifeblood of our communities, whether it is the small businesses I met with at the Kitsilano Chamber of Commerce, for example, at their AGM recently, who were networking to help each other be successful; the Young Professionals of Nanaimo, who work in the public interest to raise funds for local projects and support each other in their emerging businesses; or the clean tech businesses I met at the Asia Pacific Foundation of Canada's recent conference, who are investing in innovation so that Canada can have a clean technology export industry that thrives.

These businesses create half of all new jobs in Canada. They account for 40% of our GDP, employ about two-thirds of the workforce and account for 43% of the value of exports. They are very important community members. Their success is critical to Canada. However, they are being hit with increased taxes that are hidden in the budget.

Beyond these tariff increases, there is also a $2.3-billion increase in dividend taxes, to be paid over the next five years by small businesses. That is $2.3 billion they could be retaining to help with the investments they need to make. That comes on top of yet another year of hikes to the EI payroll taxes that collectively cost businesses $9 billion.

These budget items risk undermining our entrepreneurs. As well, it makes it more expensive to own and run these businesses. As a former small business owner myself, I know just how challenging it is to succeed and thrive, be innovative and grow a small business. I am not sure why the government wants to tie their hands behind their backs by increasing taxes.

It might be that this very kind of approach helps to explain the government's failure on the economy and the way they are failing Canadian families economically. It just does not seem to understand the realities of everyday Canadians and small businesses.

I have many statistics from organizations such as TD Economics, Trading Economics and so forth to confirm the assertion that unemployment is high under the current government. There are still 310,000 more people out of work today than there were in 2006. That is just one of many metrics on which the government has failed.

● (2430)

Mrs. Shelly Glover (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, let me correct the record right off the bat.

It is this country and it is this government that has put forward an environment that has led us to have the absolute best job creation in the G7 since the end of the recession in July 2009. There is no better. When a member of the Liberal Party talks about the economy and taxes, it is bewildering to me because this is the government that has led Canada to being a leader in job creation. It has led Canada to be recognized by other countries as one of the best places to invest and do business. Frankly, when we talk about taxes, it is this government that has lowered taxes in over 150 ways.

I need to also correct the record about the EI account. It is the Liberal Party when it was in power that took almost $60 billion of employers' and employees' EI funds to fund their own slush fund. The Liberals withdrew that money, put it into general revenues, and distributed it out in the form of contributions and whatnot. It was absolutely the wrong thing to do and employers and employees have been complaining about it ever since. For any Liberal to stand in this place and criticize this government for the wonderful economic record that we have, and to criticize us for EI changes to replace the $60 billion that they took from the account, is hypocritical.

Now let us address some of the taxes that I mentioned earlier, the 150 taxes that have been lowered, because in this budget there is no raising of taxes and there are no hidden changes to affect businesses. Businesses are very much in line with our low-tax plan, including the reduction of the GST that we saw go down from 7% to 6% to 5%, which the Liberals have indicated they will raise should they come to power. Small businesses agreed with our reduction of corporate taxes, which the Liberals have stated very clearly they will raise if they come to power. Businesses also agree with our plan to grow the economy without raising taxes on Canadians, without reducing transfers to provinces, and to do so in an environmentally friendly way.

We are the party that has led our environment portfolio to successes like a 35% reduction in GHG. Under the Liberal watch, it went up more than 30%. Not only that, our economy is growing while we are lowering GHG emissions. That party is saying as soon as it has the opportunity it will impose a carbon tax, which would further complicate measures for our small businesses.

This is a matter of tremendous importance not only to small businesses but to families alike. Through the decreases in taxes, through the elimination of many of those taxes that were really harming our families, now an average family of four keeps $3,200 in their pockets.

We have more to do, absolutely, but we will take no lessons from the Liberal Party that saw a decade of darkness for our military and increases in taxes to all Canadians because of its cuts to transfers to provinces. We will continue on our low-tax plan and do it with tremendous pride.

Ms. Joyce Murray: Mr. Speaker, it would be great if this member would take a lesson from the Liberals because, in fact, the Liberals helped small businesses create almost 40,000 jobs in 2005, but by 2011, the statistics showed half of that. The GDP growth on average for 50 years has been 3.3%. Under this member's government, there has been an average of 1.2% economic growth. A flat economy, high youth and student unemployment rates, and on debt, it is hard to know where to begin.

Household debt is at record levels. Federal debt, which had gone down $22 billion in four years under the Liberals, has gone up $60 billion under the Conservatives by 2011. Our general government debt in Canada now ranks at 129 out of 144 countries.

This is a very mediocre performance by the Conservatives and it is partially because they do not get the importance of small business. The government's policies ignore and undermine the small business community time after time. Will the Conservatives please take a look at the Liberal record and correct their path?

● (2435)

Mrs. Shelly Glover: Mr. Speaker, I hate to actually have to do this, but that member talked about 40,000 jobs in that period of time under the Liberal watch. We are talking about over a million jobs created under this government. There is no comparison.

This low-tax plan, this plan for job creation we have embarked upon, economic action plan after economic action plan, has proved fruitful. When we talk about youth, just last week, in the last report, we heard that 54,000 jobs had been created for youth. It is the highest recorded number of jobs created for youth in three decades. The member has no clue about what she speaks of.

We are regarded in the world as having, as I said before, one of the best economies and as the best place to do business. There are businesses coming to Canada because of the policies we have taken. We will continue with this plan. We will provide for Canadians, and we will do it with tremendous pride.

The Deputy Speaker: It being 12:37 a.m., pursuant to an order made on Wednesday, May 22, 2013, the motion to adjourn the House is now deemed to have been adopted.

Accordingly, this House stands adjourned until later this day, at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 12:37 a.m.)

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