



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# House of Commons Debates

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VOLUME 147 • NUMBER 106 • 2nd SESSION • 41st PARLIAMENT

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OFFICIAL REPORT  
(HANSARD)

**Wednesday, June 18, 2014**

—

**Speaker: The Honourable Andrew Scheer**

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# HOUSE OF COMMONS

Wednesday, June 18, 2014

The House met at 2 p.m.

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*Prayers*

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● (1405)

[English]

**The Speaker:** It being Wednesday, we will now have the singing of the national anthem led by the hon. member for Halifax West.

*[Members sang the national anthem]*

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## STATEMENTS BY MEMBERS

[English]

### CANADA'S YOUNG ENTREPRENEUR AWARD WINNER

**Mr. Dave MacKenzie (Oxford, CPC):** Mr. Speaker, I rise in the House today to congratulate Shep Ysselstein, owner of Gunn's Hill Artisan Cheese, who won the grand prize of \$100,000 through the 2014 Business Development Bank of Canada's Young Entrepreneur Award.

Shep opened Gunn's Hill Artisan Cheese in August 2011 and never dreamed his business would take off so quickly. In 2013, one of his cheeses was named best firm cheese at the Canadian Cheese Grand Prix, and this recognition ignited interest all across Canada. Since then Shep has not been able to keep up with the demand from consumers and grocery chains.

Winning the \$100,000 will allow him to boost production by adding a new 2,000-square-foot, climate-controlled curing and aging space in the existing facility, doubling his workforce, and creating a new line of premium aged cheese.

Once again congratulations, Shep, on winning this award and making Oxford proud.

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### FEMALE PARLIAMENTARY STAFF

**Ms. Niki Ashton (Churchill, NDP):** Mr. Speaker, I rise in the House today to express a heartfelt thanks to the women who work with us here in Parliament and in our constituencies.

I know every member of the House joins me in saying thanks to the women who work to support us.

It has not escaped my attention, as the critic for the status of women, that Parliament remains a male-dominated workplace and that the women who work with us, both in Ottawa and at home, often face a culture of sexism, just as female MPs continue to face it in the House.

Working for an MP is high stress and high stakes, often leaving women with many burdens at home and here.

It also bears mention that MPs' staff are not protected under the anti-harassment policy enjoyed by other federal employees, and while NDP staff are backed by their union, Liberal, Conservative, Bloc, and Green staff are not.

In spite of everything, the women we work with work fiercely, brilliantly, and tirelessly to keep us running, and they do so out of a passion for social justice.

As well, I rise today to thank the women who work behind the scenes: the female cooks and servers; custodial, messenger, printing, mailing, translation, security, maintenance, and cafeteria staff; and the pages. They are the backbone of this institution.

They are valued. They are appreciated. I wish them a great summer.

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### CRIMINAL ORGANIZATION RECRUITMENT OF YOUTH

**Mr. Parm Gill (Brampton—Springdale, CPC):** Mr. Speaker, I am honoured to rise today with great pride to announce that my bill, Bill C-394, which would protect our youth being targeted by gangs, has passed its final reading in the Senate and will receive royal assent tomorrow.

This legislation would allow law enforcement officials to combat the rapid growth of street gangs across our country.

The bill would also make it a criminal offence for the recruitment or solicitation of individuals into criminal organizations.

The bill would introduce jail time of up to five years and a mandatory minimum jail time of up to six months for those who recruit youth under the age of 18; youth, our most innocent and vulnerable citizens, who are being coerced and at times forced to embark on a life that no Canadian should ever experience.

As a proud father of three children, I am overwhelmed by the passage of this legislation and knowing that the bill would protect our children and punish those who seek to harm our children by bringing them into a life of crime.

*Statements by Members***LITERACY**

**Mr. Marc Garneau (Westmount—Ville-Marie, Lib.):** Mr. Speaker, I would like to commend Dr. Linda Shohet and The Centre for Literacy, located in my riding of Westmount—Ville-Marie.

Founded in 1989, the centre is Canada's pre-eminent literacy organization.

[*Translation*]

For 25 years, Ms. Shohet has been working to deepen our understanding of the role of literacy and essential skills in the labour market. Thanks to the organization's efforts, employers are able to offer training programs to the most vulnerable workers.

The Centre for Literacy is internationally recognized. Unfortunately, the government cut its funding, as it did for 22 other literacy organizations across Canada.

[*English*]

Evidence shows that The Centre for Literacy's programs and the analysis it performs point to where investments in workforce training need to be directed.

We thank Dr. Shohet for championing literacy and for her commitment to vulnerable workers, particularly our youth, aboriginal Canadians, and immigrants.

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**TRINITY WESTERN UNIVERSITY**

**Mr. David Anderson (Cypress Hills—Grasslands, CPC):** Mr. Speaker, while tolerance has supposedly become the greatest of all virtues in the western world, the practice of it is falling far behind its proclamation. More and more, it is being used as a club by special interests to destroy traditional values.

Trinity Western University in Langley has applied to start a law school. It has a voluntary values covenant with students that they will refrain from sex outside of marriage while attending Trinity Western.

Although anyone can apply and this is a voluntary covenant, there are some who are insisting that this private university must not have a policy reflecting its specific values.

Last week's vote of B.C. lawyers regarding approval for the law school is a reminder of how political manoeuvring, exaggeration, and intimidation can negatively impact rights that have been in place for decades and that have been affirmed by the Supreme Court of Canada.

Trinity Western University has been consistent. It is inclusive. It is a voluntary private organization.

There is nothing noble about one group trying to destroy another group's values.

That is the exact opposite of tolerance, no matter how we label it.

**AIR INDIA BOMBING**

**Ms. Jinny Jogindera Sims (Newton—North Delta, NDP):** Mr. Speaker, June 23 is a painfully sad day for thousands of Canadian families. Twenty-nine years ago, 329 people lost their lives in a tragedy known as the Air India bombing, the largest mass murder in Canadian history.

Although a Canadian inquiry was launched and completed, many questions remain unanswered. Relatives still struggle to understand how it happened. Today, our hearts go out to each and every one of them.

On the anniversary of this atrocity, I ask all to join in remembrance of the victims and their families. Today, I urge the Conservative government to give the affected families, and all Canadians, solace by implementing the recommendations that came out of the Air India inquiry, recommendations that it has thus far ignored.

Canadian, British, and Indian citizens perished on that night, but countries all over the world mourn them. Today, and always, we remember.

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● (1410)

**TOURISM IN DURHAM REGION**

**Mr. Erin O'Toole (Durham, CPC):** Mr. Speaker, this week is tourism week in Canada, and I would like to invite Canadians to join the Durham Region in all we have to offer this summer.

We have arts. The Visual Arts Centre of Clarington is celebrating our artists, and there is the META4 Gallery of contemporary craft in Port Perry.

We have sports, from Wooden Sticks and Coppinwood, world class courses in the north, to Kedron Dells in the south. We have Treetop Eco-Adventure Park, allowing people to do obstacles on the well-known Oak Ridges Moraine.

We have history, with Scugog Shores Historical Museum, Bowmanville Museum, and Lucy Maud Montgomery House, where she penned 11 of her novels.

Kids will love Durham for the animals: Bowmanville Zoo, the Oshawa Zoo, and Exotic Cat World, some of the best places in Canada for seeing animals.

We have wine from the Ocala Orchard Farm Winery and Archibald's winery, and one can match this with some of our world-class produce from the White Feather Farms, Pingle's Farm Market, Watson Farms, and Knox Pumpkin Farm.

I invite Canadians to come to Durham this summer, enjoy all we have to offer, and have a safe and happy summer.

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**OSHAWA'S FIESTA WEEK**

**Mr. Colin Carrie (Oshawa, CPC):** Mr. Speaker, [*Member spoke in foreign languages*]. In my home riding of Oshawa, residents are celebrating the 40th annual Fiesta Week, one of our most popular summer events.

*Statements by Members*

This past Sunday, I was proud to be part of the Fiesta Week kickoff and attended the parade and concert. This week-long celebration is a wonderful opportunity to experience the cultural diversity of Oshawa. During this week, residents of Oshawa and Durham Region are able to experience European, Asian, and Caribbean cultures and cuisines, all without having to leave our community.

With the tragic events in Ukraine over the past several months, Oshawa residents stand in solidarity with our Ukrainian community taking part in the celebration. Fiesta Week continues to be an inspiring celebration of the cultural diversity of Oshawa. I encourage everyone to participate in the festivities.

I would like to thank all the volunteers and the Oshawa Folk Arts Council who make this event possible.

*[Member spoke in foreign languages]*

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**ACTIVITIES FOR VISITORS TO NORTHERN ONTARIO**

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapusksing, NDP):** Mr. Speaker, hard battles were fought to save the *Chi-Cheemaun* ferry and the ACR passenger service, which bring visitors to Algoma—Manitoulin—Kapusksing in beautiful northern Ontario.

From the rugged shorelines of Huron and Superior to Canadian Shield forests speckled with lakes, visitors to the region will marvel at breathtaking scenery and rich cultural history as they travel in the footsteps of the Group of Seven.

Visitors can explore thousands of lakes and rivers teeming with fish. Canoeists and kayakers can paddle Great Lakes tributaries. There are trails to walk or ride and countless ways to enjoy this culturally vibrant part of Ontario.

Everywhere people go, there is something to do. Pow-wows, festivals, and special events fill the summer. There is Winnie's Hometown Festival in White River, the Lumberjack Heritage Festival in Kapuskasing, music festivals in Blind River and Manitoulin Island, drag races in Elliot Lake and Wawa, Smooth Truck Fest in Smooth Rock Falls, and the Strongman Challenge Dubreuilville. All provide great entertainment that will not break the bank. Museums, golf courses, outfitters, hotels, lodges, campgrounds, and fantastic restaurants are all waiting to serve visitors.

*[Translation]*

Come visit northern Ontario.

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**MOUVEMENT DES CAISSES DESJARDINS**

**Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC):** Mr. Speaker, I would like to shine a light on a home-grown success, the Mouvement des caisses Desjardins. Founded in 1900 by Alphonse Desjardins in Lévis, where its headquarters are established, the credit union has distinguished itself this year as the second-strongest lender out of the 97 financial institutions on the list.

This year, short-term profits were maximized, which helped give the lender an advantage over the other banks.

Joining a caisse populaire makes you an owner. Alphonse Desjardins' idea was to pool individual resources to create a community. That way of thinking is completely in line with that of the Conservative government. We are working hard for all Quebecers and Canadians so that Canada remains a prosperous country and a great place to live.

\* \* \*

●(1415)

*[English]*

**PARENTAL BENEFITS**

**Mr. Ryan Cleary (St. John's South—Mount Pearl, NDP):** Mr. Speaker, too many Newfoundlanders and Labradorians and too many Canadians are thinking of starting a family but are worried about the financial costs. Too many people have to choose between a career and a baby. Our support for young families is not where it should be.

I held a public forum in my riding of St. John's South—Mount Pearl last week. The overwhelming message is that, at 55%, parental benefits under the employment insurance system are inadequate. Parental benefits should also fall outside the EI system. New parents are not unemployed and are not searching for work. New parents deserve fair pay for the hardest job.

We speak in this House about citizenship and immigration and the temporary foreign worker program as ways to address the labour shortage, but why not make our central focus the family? We must nurture our most precious resource.

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**SPORTING EVENTS**

**Mr. Mike Wallace (Burlington, CPC):** Mr. Speaker, summer is officially set to begin this weekend, and Canadian athletes and communities cannot wait. This summer we will be looking forward to the great job Canadians will be doing hosting major national and international sporting events. I for one look forward to seeing the pride and excitement on the faces of our special Olympians who will be competing in Vancouver this August. I am sure the increase in funding from Special Olympics Canada announced in this year's budget will go a long way to help the 36,000 athletes and the 16,000 volunteers have the time of their lives.

### Oral Questions

The world's eyes are already focused on the World Cup. It will be Canada's turn this August as Toronto, Edmonton, Moncton, and Montreal host the under 20 Women's World Cup as a precursor to the Women's World Cup to be held across six Canadian cities in 2015. Speaking of 2015, members should not forget to celebrate the one-year countdown for the Pan Am and Parapan Am Games across the GTA and the Golden Horseshoe.

For more information on how to volunteer, make sure to check out our website at [Toronto2015.org](http://Toronto2015.org).

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### NORTHERN GATEWAY PIPELINE

**Ms. Joyce Murray (Vancouver Quadra, Lib.):** Mr. Speaker, yesterday, much to the dismay of millions of British Columbians, indigenous and non-indigenous alike, and Canadians from coast to coast to coast, the government approved the northern gateway pipeline and tanker project. This decision is extremely disconcerting, as the project poses an unprecedented risk to B.C.'s economy and environment.

The hundreds and thousands of people whose jobs and livelihoods depend on the Pacific Ocean do not trust that a catastrophic spill can be prevented, a spill that would foul the sensitive ecosystems of our north coast and harm the fishing and tourism industries for decades. Despite this, the Prime Minister spent the last several years arrogantly trying to ram this pipeline through, disrespecting communities, weakening Canada's environmental protection, and politicizing our environmental review system.

Canada needs to move energy resources to market. However, these projects must first earn the trust of local communities. The Liberal Party rejects the northern gateway pipeline. We call on all members of the House to join us in standing up for the economy, the environment, and our communities.

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### SECOND WORLD WAR SOLDIERS

**Mr. Corneliu Chisu (Pickering—Scarborough East, CPC):** Mr. Speaker, I rise today to honour four compassionate Canadian soldiers: Lloyd "Red" Oliver, Paul Hagen, Mert Massey, and Doug Walker.

During the Second World War Operation Husky, in Torrice, Italy, these soldiers went above the call of duty to save Gino Farnetti-Bragaglia, a young and starving orphan. They adopted Gino as their own, providing him with food, care, and kindness. As they departed Italy in 1945 to join the rest of the Canadian army in northwest Europe, young Gino had recovered from his injuries and was safe from danger. He was left with an Italian family who eventually adopted him.

After great efforts, in 2012 Gino Farnetti-Bragaglia was given back his true identity and is now in Canada to tell his story.

The selfless actions of these Canadian heroes must never be forgotten. Lest we forget.

### NORTHERN GATEWAY PIPELINE

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, now more than ever New Democrats stand with the people of B.C. against the northern gateway pipeline and against this narrow-minded government. This decision is wrong for B.C. and wrong for Canada. Yesterday's decision sets a dangerous precedent for natural resource development in this country. The Conservatives are telling Canadians that they will not be heard. Bringing supertankers into the Douglas Channel is wrong-headed, short-sighted, and entirely wrong.

Not one of the 21 Conservative MPs from B.C. has stood up against this project. Not one has let the voice of their province be heard.

The Conservatives work for the PMO, not their constituents. In 2015, an NDP government will finally listen to British Columbians and set aside this decision, because Canadians deserve better and they will get better from the NDP in 2015.

\* \* \*

● (1420)

### MEMORIAL TO VICTIMS OF COMMUNISM

**Mr. Bob Dechert (Mississauga—Erindale, CPC):** Mr. Speaker, our government promised in the throne speech to remember the millions who suffered, and continue to suffer, under the tyranny of Communism by building a national memorial remembering its victims right here in our nation's capital.

Earlier today, on behalf of the eight million Canadians who are descendants of countries that lived through Communist terror, our government took the next step in fulfilling this promise and financing the six finalists.

These world-class teams will spend the coming weeks developing their concepts, which will be presented to a jury this August.

I join my Conservative colleagues in encouraging all Canadians to support this important initiative and applaud Tribute to Liberty for their hard work and dedication.

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## ORAL QUESTIONS

[English]

### NATURAL RESOURCES

**Hon. Thomas Mulcair (Leader of the Opposition, NDP):** Mr. Speaker, for three years the Prime Minister and his cabinet have been out there shilling for the northern gateway pipeline, saying that it was of "vital interest". Now not a single Conservative minister is available to explain the decision to Canadians.

If no B.C. Conservatives will defend this decision, will the Prime Minister please explain to us why approving this pipeline is worth putting 45,000 British Columbia coastal jobs at risk?

*Oral Questions*

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, once again, we are well aware of the NDP's opposition to all resource development and its view that all resource development is a disease on the economy.

The fact of the matter is that the government is acting on the advice of an independent scientific panel that thoroughly reviewed these matters. The government has applied the conditions demanded by that panel. It is now up to the proponent to assure the regulator going forward that it will indeed comply with those conditions.

**Hon. Thomas Mulcair (Leader of the Opposition, NDP):** Mr. Speaker, in that case, can the Prime Minister please explain, if this reckless pipeline through British Columbia's most pristine wilderness is actually in the interest of all British Columbians, why every single one of his 21 British Columbia MPs has entered the witness protection program?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, that is interesting, coming from a leader who has apparently entered the witness protection program when it comes to the mailing and running of his own offices. I hope that he is just as ready to explain his actions when he is called upon, as, of course, all members of the government are.

[Translation]

**Hon. Thomas Mulcair (Leader of the Opposition, NDP):** Mr. Speaker, the Prime Minister removed all of the barriers to this pipeline, going so far as to scuttle all of the legislative requirements with respect to environmental assessments.

He even went so far as to use one of his notorious omnibus bills to say that pipelines, and only pipelines, are no longer subject to the Navigable Waters Protection Act.

If that is the case, how can the Prime Minister possibly deny that he stacked the deck in favour of the pipeline? It was a done deal. Why does he not just admit it?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, we need a reality check here. An independent panel of experts held public hearings and reviewed hundreds of pages of evidence.

[English]

Let me just speak to the fact that the inquiry panel held 180 days of hearings. It heard from 1,500 participants, received more than 9,000 written submissions, and reviewed almost 200,000 pages of evidence.

It asked for some 200 conditions to be imposed on the project. That is what the government has done, and it is now up to the company to assure the regulator going forward that it will, in fact, implement those conditions.

• (1425)

[Translation]

**Hon. Thomas Mulcair (Leader of the Opposition, NDP):** Mr. Speaker, we all know that a spill on the British Columbia coast would put thousands of fishing and tourism jobs in jeopardy. However, the Conservatives' plan for cleaning up spills involves using chemicals that are banned by Fisheries and Oceans Canada.

Simply put, the Conservatives are proposing to create one environmental disaster to fix another. We were not the ones who called Enbridge a bunch of clowns. It was the American government that called them "Keystone Kops" because of how they bungled the Kalamazoo spill.

Is that who the Prime Minister wants Canadians to trust? He wants them to trust Enbridge, with their pitiful record?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, a panel of independent scientific experts reviewed this project, and the government acted on its recommendations.

[English]

In terms of the various effects that the hon. leader of the NDP laid out, those were not the findings of the panel. It was quite the contrary. The government has to base its findings on the facts and on the hearings as they transpired. The government is not as free as the NDP to simply ignore the facts and ignore the rules, as it does with its own parliamentary budget.

**Hon. Thomas Mulcair (Leader of the Opposition, NDP):** Mr. Speaker, here are the facts: the highest level of the U.S. administration, after Enbridge was responsible for the worst spill in U.S., called Enbridge "the Keystone Kops". It called them a bunch of clowns, not us.

Yesterday's announcement said that Enbridge:

—clearly has more work to do in order to fulfill the public commitment it has made to engage with Aboriginal groups and local communities along the route.

Does the Prime Minister not understand that it engages the honour of the crown to deal with first nations? That is the government; that is his responsibility. He cannot subcontract the honour of the crown to Enbridge.

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, of course that is not the case. Aboriginal consultation is part and parcel of the review process.

I would just point out that there were 72 days of hearings from aboriginal groups to share their views, including on traditional knowledge, and 41 first nations were, indeed, financed to enhance their participation in the project. There are a range of views among those groups. Those are the facts.

Speaking of the American government, we know about the lobbying of the NDP in Washington to actually block Canadian projects from going forward. That is how fanatical the NDP is in its opposition to development, something that Canadians do not support.

**Mr. Justin Trudeau (Papineau, Lib.):** Mr. Speaker, the British Columbia government says that the northern gateway pipeline has not met the crucial condition of being in B.C.'s economic interest. B. C. first nations and communities have been clear that this project threatens the thousands of jobs that rely on a healthy Pacific north coast.

If the province, its citizens and first nations firmly oppose this pipeline, why did the Prime Minister say yes?

*Oral Questions*

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, once again, the government is obliged by law to respond to the findings of an expert scientific independent panel. It spent many months examining this project and consulting the public and other affected interests.

As a consequence, the government has imposed some 200 conditions on the project and the regulator is now tasked with ensuring that the company, the proponent fulfills those conditions moving forward.

**Mr. Justin Trudeau (Papineau, Lib.):** Mr. Speaker, the government's approval of the northern gateway pipeline places the Great Bear Rainforest at extreme risk, quite a difference from 2007 when the Conservatives said that this was an ancient forest whose integrity had to be preserved for the generations to come.

After promising to co-operate with the B.C. government, first nations and environmental groups to protect the Great Bear and its economy, why did the Harper government approve a pipeline over all their objections?

**Some hon. members:** Oh, oh!

**The Speaker:** I know the member for Papineau knows, or should know, by now that we do not use proper names. We use ridings or titles.

• (1430)

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, once again, we are all familiar with the long history of the deep hostility of the former Trudeau government to everything in the western energy industry.

The reality is that this government has acted to promote the Great Bear Rainforest, something not supported by the Liberal Party at the time. That is what this government did. The scientific finding does not confirm any such threat as the member indicated.

However, there are some 200 conditions that will have to be fulfilled for the regulator to approve any work going forward.

[Translation]

**Mr. Justin Trudeau (Papineau, Lib.):** Mr. Speaker, yesterday, going against the tide, the Prime Minister approved the northern gateway pipeline project. Environmental considerations and the opinion of aboriginal communities were not taken into account. Not only that, but the risk to British Columbia's coastal economy is tremendous. It is not a good location for a pipeline. Will this Prime Minister finally listen to the public and reverse his decision to approve this project?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, the government is following the recommendations of countless independent scientists and experts who reviewed this project for months. The government approved this project with more than 200 conditions.

[English]

Once again, as I said, we are obviously following expert scientific advice here. This is something the Liberal Party preaches but never actually practices, and that is evidence-based decision making.

[Translation]

**Ms. Megan Leslie (Halifax, NDP):** Mr. Speaker, the northern gateway pipeline will move more than half a million barrels of bitumen a day through two mountain passes and 800 waterways. In Kitimat, supertankers will have to ship this bitumen along the coast of British Columbia, which is very difficult to navigate. What is more, the Conservatives' contingency plan in the event of a spill is not environmentally sound.

Why take all these risks instead of just saying no to northern gateway?

**Hon. Greg Rickford (Minister of Natural Resources and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC):** Mr. Speaker, we made our decision based on the findings of an independent scientific review panel. We imposed 209 conditions to ensure that this project meets high safety standards. The panel listened to almost 1,500 participants from 21 communities and reviewed close to 175,000 pages of evidence. The developer will have more work to do, but will not have to hold consultations with communities.

**Ms. Megan Leslie (Halifax, NDP):** Mr. Speaker, the Minister of Finance called those who are opposed to northern gateway "radicals". The Conservatives attacked all the opponents and muzzled the communities directly affected by this dangerous project.

What they do not realize is that the majority of Canadians are opposed to this project. British Columbia roundly rejected this project. Cities that held a plebiscite also said no. Why are the Conservatives not respecting the people of British Columbia?

[English]

**Hon. Greg Rickford (Minister of Natural Resources and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC):** Mr. Speaker, our decision is based on the conclusions of an independent science and fact-based review panel.

We have imposed 209 stringent conditions to ensure this project meets the highest safety standards. The panel heard from nearly 1,500 participants in 21 communities and reviewed more than 175,000 pages of evidence. The proponent clearly has said that there is more work to do with communities along this route.

**Mr. Murray Rankin (Victoria, NDP):** Mr. Speaker, the northern gateway pipeline proposal is just wrong, wrong for British Columbia and wrong for Canada.

The Conservatives want to force British Columbians to accept a pipeline that will put our communities, our environment and our economy at risk. The fact is that an oil spill on the pristine coast of British Columbia is almost a certainty. One study puts the likelihood at 90%.

How can the government put tens of thousands of jobs and the multi-billion dollar tourism and fisheries industries at risk?

*Oral Questions*

**Hon. Greg Rickford (Minister of Natural Resources and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC):** Mr. Speaker, we have been clear that projects will only move forward if they are safe for Canadians and safe for the environment. After carefully reviewing the independent regulator's science and fact-based report, the government accepts the recommendation to impose 209 stringent conditions on the project. It will be up to the proponent to show the regulator and to show Canadians that these conditions have been met.

• (1435)

**Ms. Jean Crowder (Nanaimo—Cowichan, NDP):** Mr. Speaker, the government is running roughshod over the rights of first nations and ramming through a pipeline that B.C. does not want. One hundred and thirty first nations have come out in opposition to northern gateway. Even the Prime Minister's own appointee, Douglas Eyford, says that the Conservative government has failed to properly consult with first nations. The minister says that it is now up to Enbridge.

Does he understand his government's constitutional duty to consult cannot be privatized?

**Hon. Greg Rickford (Minister of Natural Resources and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC):** Mr. Speaker, there is no question that the proponent has more work to do to re-engage with communities along this route. Our government is working to build a stronger relationship with Canada's first nations. Our response to the Eyford report is a first step to building stronger relationships with first nations on these opportunities.

The natural resources sector is the largest private employer of first nations in Canada. First nations have, and will continue, to contribute and benefit as full partners in the development of our natural resources, in environmental stewardship and its economic benefits.

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, the Conservatives refuse to listen. It is not only first nations that have said no to northern gateway; it is all of B.C. Over 60% of British Columbians have said that they do not want northern gateway threatening their coast and communities. The UBCM and virtually every municipality along the pipeline route has said no. Therefore, why are B.C. Conservative MPs ignoring their constituents?

Let us start with the senior federal minister for B.C. What does the Minister of Industry have to say, or is he ducking under his desk?

**Hon. Greg Rickford (Minister of Natural Resources and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC):** Mr. Speaker, our decision is based upon the conclusions of an independent, science and fact-based review panel. After carefully reviewing the report, the government is accepting the recommendation to impose 200 stringent conditions upon the project.

Our government has always been clear. The projects will only be approved if they are safe for Canadians and safe for the environment.

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** However, Mr. Speaker, apparently it is not safe for any Conservative MP to stand and actually defend this project.

There is something fundamental Conservatives do not seem to understand about this bad pipeline. The people of British Columbia just do not want it. A hundred and thirty first nations have said no. The province, the municipalities and two-thirds of all British Columbians have told the current government clearly, time and time again, "no".

Exactly what part of "no" does the Conservative government not understand?

**Hon. Greg Rickford (Minister of Natural Resources and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC):** Mr. Speaker, we have been clear. The projects will only move forward if they are safe for the environment and safe for Canadians.

After carefully reviewing the independent regulator's science and fact-based report, the government accepts the recommendation from the panel to impose 209 conditions upon the project. It will be up to the proponent to show the regulator, to show Canadians that these conditions have been met.

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Speaker, suddenly the members of The Flat Earth Society believe in science in making decisions.

I remember the days when Conservatives used to say that we should never impose energy projects in western Canada without the agreement of western Canadians. Then along came the Enbridge northern gateway and a Conservative government stacking the deck, gutting environmental laws and trying to bully first nations. The time has come for these guys to stand up for western Canada.

Is any Conservative B.C. MP willing to stand on his or her feet to defend this bad project?

**Hon. Greg Rickford (Minister of Natural Resources and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC):** Mr. Speaker, Canada's environmental standards are stronger than ever. We appreciate the hard work of these independent, science and fact-based panels to do their important work.

We have improved pipeline, marine and offshore safety and are ensuring that companies, not taxpayers, are held responsible in the remote case of an incident. The provinces and territories agree. Important progress is being made to reform our regulatory system and strengthen environmental protection.

*Oral Questions*

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Speaker, Conservatives obviously underestimate the power and the commitment of the people of my province. They underestimate the strength of first nations people. They underestimate the fact that they are more united now, that first nations and non-first nations are standing shoulder to shoulder against the government and its plans for our provinces.

When are Conservative MPs going to find even an ounce of courage to stand up to the Prime Minister, stand up to the oil lobby and stand up for British Columbians?

• (1440)

**Hon. Greg Rickford (Minister of Natural Resources and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC):** Mr. Speaker, there is no question that the proponent has more work to do to re-engage all communities along the route. Our government is working to build a stronger relationship with Canada's first nations. A response to the Eyford report is a first important step to building a relationship with first nation communities. The natural resource sector is the largest private employer of first nations people in Canada.

First nations have, and will continue, to benefit and contribute to the environmental stewardship and economic benefits of responsible resource development.

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Speaker, how about one last chance for one of these Conservative MPs, shall we? How about the member for Port Moody, the senior Conservative MP from B.C.? He can stand and tell the people of his riding why he is abandoning them in favour of serving the Prime Minister.

The people of British Columbia understand that Enbridge northern gateway is a bad project for them, a terrible idea for first nations and a disaster waiting to happen for our environment.

B.C. Conservatives are going to get the message now, or they are going to get it at the ballot box in 2015. How about standing now and showing a little courage in their convictions?

**Hon. Greg Rickford (Minister of Natural Resources and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC):** Mr. Speaker, our decision is based on the conclusions of an independent science and fact-based review panel. We have proposed 209 stringent conditions to ensure this project meets the highest standards. The panel heard from nearly 1,500 participants, 21 communities and reviewed more than 175,000 pages of evidence.

There is no question that the proponent has more work to do with communities along the route.

\* \* \*

**INFRASTRUCTURE**

**Hon. Scott Brison (Kings—Hants, Lib.):** Mr. Speaker, the Conservatives are out of touch with the reality that people cannot raise a full-time family on part-time work. Since last year Canada has lost 27,000 full-time jobs. Wages are stagnant, and families are falling behind. However, we can fix this. Smart investments in

infrastructure can create good full-time jobs, but the Conservatives have actually cut infrastructure spending by 90% for next year.

Will the Conservatives listen to experts like David Dodge? Will they reverse these cuts? Will they invest in infrastructure and create good full-time jobs for Canadians right across the country?

**Mr. Peter Braid (Parliamentary Secretary for Infrastructure and Communities, CPC):** Mr. Speaker, once again the member is incorrect. He is misleading the House.

Here is the approach of our Conservative government with respect to infrastructure: We are making record investments. We have doubled the gas tax fund. Municipalities and provinces identified their own infrastructure priorities. We are spending within our means, and we are balancing the budget within the next year.

On this side of the House, we will take that approach to the bank any day.

**Hon. Wayne Easter (Malpeque, Lib.):** Mr. Speaker, the reality of the government's decision to cut funding in the Building Canada fund by 90% until 2019 is having a devastating impact on jobs and the economy.

Joe Murphy, executive director of the P.E.I. Road Builders and Heavy Construction Association, said that jobs are being lost every day because the work cannot be done without the federal infrastructure dollars. One island construction company has reduced the number of employees from 40 in 2012 to 16 today. That is a cut of 60%.

First the Conservatives cut, and now they will not deliver. Why will the government not sign on with the provinces?

**Mr. Peter Braid (Parliamentary Secretary for Infrastructure and Communities, CPC):** Mr. Speaker, here is the update on the new Building Canada plan.

The gas tax fund has been doubled. It has been made permanent, and will be indexed moving forward. The new Building Canada fund is open for business. Applications are being received. One project has already been approved by the federal government, an important public transit project in Edmonton.

The hon. member may not be aware, but project applications have already been received by his home province of Prince Edward Island.

\* \* \*

[*Translation*]

**JUSTICE**

**Hon. Irwin Cotler (Mount Royal, Lib.):** Mr. Speaker, after a second disputed judicial appointment, the minister and the Prime Minister are raising suspicions about the possibility that Justice Mainville will be appointed to the Supreme Court.

Not only could that appointment contravene the court's decision in the Nadon case, but it would prolong the under-representation of women on the highest court.

*Oral Questions*

Therefore, with so many high-calibre Quebec judges, what is the minister doing to ensure that the process to replace Justice Lebel will be open, transparent, responsible and participatory?

• (1445)

[*English*]

**Hon. Peter MacKay (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, as the hon. member should know, as I believe he was here, the Prime Minister said clearly yesterday that the appointment of Mr. Justice Mainville to the Appeal Court of Quebec has nothing to do with the opening at the Supreme Court. The Supreme Court opening of course is not available until November of this year, and in fact there has been no process undertaken to date with respect to the replacement of Mr. LeBel.

I ask that the hon. member look forward to the future with optimism. We have a full complement of judges representing the province of Quebec. We are very aware of the need to keep that complement, and that is exactly what we will do.

\* \* \*

[*Translation*]

**PRIVACY**

**Ms. Charmaine Borg (Terrebonne—Blainville, NDP):** Mr. Speaker, the Minister of Justice claims that a recent unanimous decision by the Supreme Court in *Spencer* is in keeping with the spirit of his cyberbullying bill. Fortunately, making a fool of oneself is not harmful to one's health.

Some provisions of Bill C-13 run completely contrary to this ruling. The bill allows businesses to turn over their clients' personal information without a warrant from a judge.

The minister does not have to sacrifice privacy in order to fight cyberbullying. Why is he doing that?

[*English*]

**Hon. Peter MacKay (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, we do not intend to do it. In fact, it is very important, as the member has pointed out, that we respect privacy but at the same time allow the police to do their important work.

I remind the member and this House that the decision in *Spencer* was a child pornography case in which the Supreme Court in fact upheld the conviction on the possession and sent the distribution charge back for retrial. With respect to that charge, we will wait to see what happens.

Regarding Bill C-13, the elements of this bill remain before Parliament. We will respect the Supreme Court's decision. We also believe that there are very compelling reasons to proceed forward and to ensure that we are putting the most protection in the hands of the police as far as their ability to enforce the law is concerned.

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, Liberal senators failed to stand up for the privacy rights of Canadians in their review of the snooping provisions in Bill S-4, and the Minister of Justice stands in the House and tries to tell Canadians that the *Spencer* decision last Friday was somehow a validation of the government's attack on privacy.

The Supreme Court was clear. Obtaining private IP information on Canadians without a warrant is illegal. Why is the Attorney General, the man entrusted with upholding the Constitution, standing in Parliament and misrepresenting the conditions decided by the Supreme Court in order to support the Conservatives' attack on the privacy rights of Canadians?

**Hon. Peter MacKay (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, let us look at the actual Supreme Court decision, paragraph 73. It is a declaratory provision that confirms the existing common law powers of police officers to make enquiries as indicated by the fact that the section begins with the phrase "for a greater certainty". That is exactly what we have been saying. It is the same provision of Bill C-13.

Here is another interesting quote:

—our ability, with these amendments, to give additional tools to our police and prosecutors around what are cyber crimes. Some of that is cyber bullying...but it also expands our ability to deal with child pornography over the Internet. It would give some additional tools to the police for that purpose....

Who said that? The member for Windsor—Tecumseh.

**Ms. Françoise Boivin (Gatineau, NDP):** Mr. Speaker, the minister loves to do creative reading.

The minister sees his laws being struck down and then claims somehow that he is winning. He is not fooling anyone, least of all the Supreme Court. The way the government is trying to roll back Canadians' privacy rights is not constitutional.

Does the minister intend to allow bills like Bill C-4, Bill C-13, and Bill C-31 to pass into law just so they can also be struck down later, or will he respect the court's rulings and redraft these bills as even his own people are recommending?

**Hon. Peter MacKay (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, I do not know where quoting exactly from the Supreme Court becomes creative reading, but let me note that upon the conviction of Mr. *Spencer* for possession of child pornography, the Supreme Court confirmed that neither PIPEDA nor the Criminal Code voluntary disclosure provision, re-enacted in Bill C-13, gives police the legal authority to access subscriber information related to the Internet protocol address.

This is exactly what we have been saying. This is why we are not only bringing in provisions to protect people from bullying online, but we are also giving the police the ability to police the Internet and ensure that the law is being respected, and balancing that with privacy rights.

\* \* \*

• (1450)

**JUSTICE**

**Ms. Françoise Boivin (Gatineau, NDP):** Mr. Speaker, the Supreme Court also says that you need a warrant to obtain people's information.

### Oral Questions

[Translation]

Canadians do not agree with the war that the Conservatives are waging against the Supreme Court. They do not accept that the Conservatives are trying to circumvent the rulings of the highest court in the land. They do not accept that the Conservatives are politicizing the process for appointing judges. They really do not appreciate the fact that the Prime Minister is dragging the chief justice through the mud and that the Minister of Justice is freely interpreting the Supreme Court rulings to suit his partisan interests, as we just heard. When will the Conservatives put an end to their war on the Supreme Court?

**Hon. Peter MacKay (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, there is no war. The Prime Minister clearly said that he intends to respect the letter and the spirit of the Supreme Court ruling.

[English]

Let us be very clear. Mr. Justice Mainville is an eminently qualified Quebec jurist, with 33 years as a member of the Quebec bar. I think that is more than the member opposite. Under section 3 of the Judges Act, he is eminently qualified and eligible to join the Quebec Court of Appeal. I do not know what the member opposite has against judges serving on the supreme court of her province.

\* \* \*

### HOUSING

**Mr. Peter Goldring (Edmonton East, CPC):** Mr. Speaker, to reduce the plight of the chronically homeless, our Conservative government champions an evidence-based model called Housing First, saying the most effective way the government could support the homeless is to find them a place to live. Housing First recognizes that without a home, it is extremely difficult for anyone to move forward to overcome other challenges, then to aspire to total independence.

Would the Minister of State for Social Development please explain what the evidence shows about Housing First?

**Hon. Candice Bergen (Minister of State (Social Development), CPC):** Mr. Speaker, I thank the member for the question and the great work he has done on behalf of the homeless throughout his career.

Housing First works. The evidence is in. The Mental Health Commission of Canada just released its results from the At Home/ Chez Soi project which occurred across the country. It shows that not only does Housing First help in addressing homelessness, but it is a smart investment. In fact, for every \$10 invested, there is a \$21 return. That makes good sense in terms of policy, and good sense in helping the homeless.

\* \* \*

### EMPLOYMENT INSURANCE

**Ms. Jinny Jogindera Sims (Newton—North Delta, NDP):** Mr. Speaker, when the Conservatives created the new Social Security Tribunal, they said it was because the old system was “slow and ineffective”. Now we learn that wait times have quadrupled. Unemployed Canadians are waiting on average eight months just to get a decision. This is simply ridiculous.

EI premiums pay for the tribunal, but when Canadians need it, the system is not there for them. Why did the Conservatives break the appeal system and what are they going to do to fix it?

**Hon. Candice Bergen (Minister of State (Social Development), CPC):** Mr. Speaker, the member needs to check her facts because, in fact, there is no wait time for EI appeals. If she had done some research, she would have seen, in fact, that the Social Security Tribunal is right up to date with EI claims.

There is a backlog on CPP claims. They are dealing with that and getting through it, just like they are with the EI claims.

[Translation]

**Mrs. Sadia Groguhé (Saint-Lambert, NDP):** Mr. Speaker, the Conservatives created the Social Security Tribunal. They cannot claim that they are not responsible for the ever-increasing number of delays.

The old EI appeal system guaranteed a hearing within 30 days. Unemployed workers must now wait eight months without benefits before a decision is rendered. Once again, Canadians are paying the price for the Conservatives' mismanagement.

What practical solutions are they going to take to fix this disaster and ensure that workers are treated fairly?

[English]

**Hon. Candice Bergen (Minister of State (Social Development), CPC):** Mr. Speaker, just like the NDP like to free-wheel with taxpayers' dollars, they like to free-wheel with the facts.

Here are the facts on EI claims: In April of this year, 282 incoming cases were brought to the Social Security Tribunal. It got through 426 cases.

If the NDP members want to talk about CPP, we realize there is a backlog, but on EI, there is no backlog.

\* \* \*

[Translation]

### HUMAN RIGHTS

**Ms. H el ene Laverdi ere (Laurier—Sainte-Marie, NDP):** Mr. Speaker, Canada Border Services employees have a duty to treat transgender people who are coming to Canada fairly and respectfully.

However, that was not the case for Avery Edison, who was treated unfairly when she came to Canada earlier this year.

With the WorldPride Human Rights Conference starting next week in Toronto, will the minister ensure that all of the delegates will be treated with dignity and properly welcomed when they arrive in Canada?

● (1455)

**Hon. Steven Blaney (Minister of Public Safety and Emergency Preparedness, CPC):** Mr. Speaker, I thank my colleague for her question.

Millions of passengers cross our borders every year. Border Services officers have a duty to welcome them with the utmost respect.

*Oral Questions*

I can obviously assure my colleague that our Border Services Agency will treat people with great dignity. If an incident arises, there are mechanisms in place to deal with it.

[*English*]

**Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP):** Mr. Speaker, two years ago I raised the problem of airport screening requirements that can result in transgender and gender variant individuals being banned from flying. The Conservatives ignored and even scoffed at these concerns about requiring a traveller's appearance to match the gender listed on their ID, something that has nothing to do with security.

Again, given the imminent opening of WorldPride in Toronto, what measures has the Minister of Transport taken to make sure this discriminatory policy does not interfere with the ability of those attending WorldPride to travel to, from, or within Canada?

**Hon. Chris Alexander (Minister of Citizenship and Immigration, CPC):** Mr. Speaker, all of us on this side of the House, the Minister of Public Safety and Emergency Preparedness, the Minister of Transport and myself are committed to making this conference a success. We have made progress on the issuance of visas. We are working closely with the organizers to make sure those attending the conference enter Canada smoothly. We trust it will be a great success for Toronto, for Ontario, and for Canada as a whole.

\* \* \*

**TRANSPORTATION**

**Ms. Judy Foote (Random—Burin—St. George's, Lib.):** Mr. Speaker, protests are taking place in Port aux Basques today against Marine Atlantic's decision not only to increase fares but also to cut the number of crossings between Nova Scotia and Newfoundland. This is not only crippling the tourism business but hurting the entire economy in Newfoundland, because goods that are exported and imported are being delayed and jobs are being lost.

I ask the Minister of Transport, what has she done to make Marine Atlantic reverse this harmful decision since I last raised this issue with her?

**Hon. Lisa Raitt (Minister of Transport, CPC):** Mr. Speaker, indeed Marine Atlantic is an arm's-length crown corporation. It has the responsibility to ensure that investments by Canadian taxpayers are best used and to continue to operate in the best interests of serving the needs of Newfoundland and Labrador and its citizens.

\* \* \*

[*Translation*]

**CANADIAN HERITAGE**

**Hon. Stéphane Dion (Saint-Laurent—Cartierville, Lib.):** Mr. Speaker, the minister commissioned a survey paid for by taxpayers to find out what Canadians already know: on the 150th anniversary of Confederation, they want to celebrate the charter of rights, health insurance, peacekeeping missions, multiculturalism, bilingualism, Tommy Douglas, Terry Fox, Pierre Elliott Trudeau, and so on. Can she tell us how far preparations for the celebration have progressed, or is she desperately waiting for someone somewhere to add her boss's name to the list of people worth celebrating?

**Hon. Shelly Glover (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, Canada's history is one of risk, sacrifice, and determination. Canadians have triumphed over all manner of adversity to build a strong, proud, and free country. The 150th anniversary of Confederation will be a celebration of the whole country.

We are proud to have carried out consultations. I would like to know why the member and his party missed the opportunity to consult Canadians in their ridings. For our part, we will proudly continue to prepare for this celebration.

\* \* \*

**CANADIAN BROADCASTING CORPORATION**

**Mr. Matthew Dubé (Chambly—Borduas, NDP):** Mr. Speaker, about 60 Olympic athletes, coaches and stakeholders in the amateur sports world have spoken out against the cuts to the CBC, an essential tool for supporting amateur sport. The visibility that CBC gives our athletes makes it easier for them to find sponsors and encourages young people to participate in sports. If we relied solely on private broadcasters, we would only be able to watch amateur sports every two years, during the Olympics.

Does the government realize that our athletes and young sports enthusiasts are the ones who will be paying the price of the cuts it is making to the CBC? Perhaps if the government realized that, it would be showing more enthusiasm than it is right now.

**Hon. Shelly Glover (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, as we have said on a number of occasions, we recognize the importance of the CBC and we are very proud of our athletes. The decisions that were made and announced by the public broadcaster have nothing to do with this government. It is up to the CBC to decide how it manages its operations. The CBC receives a significant amount of funding from taxpayers. Once again, the CBC is the one that should be being asked these questions.

● (1500)

**Mr. Pierre Nantel (Longueuil—Pierre-Boucher, NDP):** Mr. Speaker, the Conservatives are continuing to turn a blind eye to the consequences of their actions.

When we welcomed our Olympic athletes on the floor of the House of Commons, the Conservatives literally could not run fast enough to have their picture taken with the athletes. However, when it comes time to provide real support for amateur sport and raise the profile of our athletes, the Conservatives are running for the door instead.

The CBC is the main broadcaster for supporting amateur sport and promoting healthy lifestyle habits. By cutting the CBC's funding, the Conservatives are washing their hands of their responsibilities.

Does the Minister of State for Sport realize that by cutting the CBC's funding, the Conservatives are undermining a key pillar of amateur sport in Canada?

*Oral Questions*

**Hon. Shelly Glover (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, as I already said, it was the CBC that announced and made those decisions. That has nothing to do with government decisions. I repeat: we are proud of our athletes. The CBC has indicated that it will continue to properly represent our athletes and our entire nation at the Olympics.

\* \* \*

[English]

**CANADIAN HERITAGE**

**Mr. Earl Dreeshen (Red Deer, CPC):** Mr. Speaker, today our Conservative government announced the next step in the creation of a national victims of Communism monument. In conjunction with Tribute to Liberty, a charitable organization devoted to remembering the more than 100 million lives lost under Communist oppression, the second phase of the national design competition is ready to launch.

Could the Minister of Canadian Heritage please tell the House what our government is doing to ensure that Canadians can forever pay tribute to the victims of this poisonous ideology?

**Hon. Shelly Glover (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, I thank the member for Red Deer for his dedication to all victims.

I am honoured to launch the next step today in the creation of the national victims of Communism monument. Our government, along with Tributes to Liberty, has announced that six world-class teams have been chosen to develop their concepts for this long-awaited memorial. These teams will spend the coming weeks perfecting their designs, which will then be presented to a jury in August.

Today, we come even closer to fulfilling the promise that we made in our throne speech to pay tribute to the precious lives lost under Communist regimes around the world.

\* \* \*

**ABORIGINAL AFFAIRS**

**Hon. Carolyn Bennett (St. Paul's, Lib.):** Mr. Speaker, in 2011 the government's own assessment showed that first nations' water systems were in crisis. All parties voted for a Liberal motion calling for urgent action. So far, the government's response has been legislation without consultation, downloading responsibility and liability, and no new resources.

Alberta's first nations are now in court, demanding the safe water that most Canadians take for granted. How can the minister justify leaving first nations children in third world conditions?

**Hon. Bernard Valcourt (Minister of Aboriginal Affairs and Northern Development, CPC):** Mr. Speaker, that statement by the hon. member is totally false. She knows that this government passed the Safe Drinking Water for First Nations Act, which aims to provide first nation communities with drinking water and wastewater standards comparable to provincial and territorial standards off reserve.

On the issue of funding, I recall that economic action plan 2014 proposes to continue implementing our action plan with \$323 million for the next two years.

[Translation]

**HOUSING**

**Mr. Robert Aubin (Trois-Rivières, NDP):** Mr. Speaker, earlier this week, my colleague from Berthier—Maskinongé asked the government about recent developments in the pyrrhotite file, and once again, the Conservatives' answer was full of bunk.

The judge never said that the industry was responsible for the rules. He said that the rules were not strict enough and that the government had the ability and the duty to make them stricter.

Will the Conservatives remedy the situation and implement stricter rules on pyrrhotite so that nobody else has to suffer from this, or are they determined to win the world cup of incompetence?

[English]

**Hon. Candice Bergen (Minister of State (Social Development), CPC):** Mr. Speaker, there are two issues that I would like to clarify for the member. First of all, the pyrrhotite issue falls directly under provincial jurisdiction. Building codes fall under provincial jurisdiction. Secondly, the recent court ruling did rule that industry was entirely responsible. In fact, it was 100% responsible. About 70% of it was SNC-Lavalin.

The member needs to become familiar with the case and with what is under provincial jurisdiction.

\* \* \*

● (1505)

**FOREIGN AFFAIRS**

**Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC):** Mr. Speaker, reports coming out of the P5 +1 negotiations with Iran over its nuclear program are deeply concerning. Today we learned that Iran is refusing to cut its number of centrifuges and to halt nuclear fuel production.

This development should come as no surprise. Iran has a history of deception and stonewalling international efforts over its nuclear program. Could the Minister of Foreign Affairs please comment on these latest rounds of negotiations over Iran's nuclear program?

**Hon. John Baird (Minister of Foreign Affairs, CPC):** Mr. Speaker, we are immensely concerned about Iran's nuclear program. We remain concerned about its abysmal and deteriorating human rights record and its material support for terror. Before these P5 +1 talks started, we were very clear, most recently this week, that Iran must give up 20,000 operating centrifuges. There is no reason for it to have them.

If it seeks nuclear energy for peaceful purposes, it is essential that Iran heed international calls, do the right thing and get rid of these 20,000 centrifuges.

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#### THE ENVIRONMENT

**Mr. David Christopherson (Hamilton Centre, NDP):** Mr. Speaker, once again the people of Hamilton are left in limbo regarding the future of the Randle Reef cleanup. It has been six months to the day since the government announced that funding was there and that the project was a go. Now we learn from Environment Canada that the project will be put on hold yet again.

Hamiltonians are tired of delays and false starts. Will the government commit today to take all steps necessary to ensure that the Randle Reef cleanup starts this year?

**Hon. Leona Aglukkaq (Minister of the Environment, Minister of the Canadian Northern Economic Development Agency and Minister for the Arctic Council, CPC):** Mr. Speaker, our government has played a leadership role when it comes to protecting our environment. In budget 2012, we committed to spending a significant amount of money to help clean up the contaminated sediments at Randle Reef in Hamilton Harbour. In the main estimates this year, we are committing even more.

We will continue to work with Ontario municipalities and industry on this project, and we will keep the community informed as the project moves forward.

\* \* \*

[Translation]

#### FORESTRY INDUSTRY

**Mr. Claude Patry (Jonquière—Alma, BQ):** Mr. Speaker, forestry workers in my region, Saguenay—Lac-Saint-Jean, are concerned about the spread of the spruce budworm. This caterpillar is going to have a devastating effect on the region.

A Quebec biologist has raised the alarm and is concerned that this could be catastrophic for the region's forests. It is clear that Ottawa is not doing enough to stop this insect.

When will the minister, the member for Roberval—Lac-Saint-Jean, demand that his government do more to protect forestry workers in his region, Saguenay—Lac-Saint-Jean?

[English]

**Hon. Greg Rickford (Minister of Natural Resources and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC):** Mr. Speaker, I would like to thank my colleague for asking a question on an important economic driver for rural communities across Canada.

This government understands how important forestry is for job creation and economic growth and the protection of those forests. I am proud that economic action plan 2014 builds on the government's success by focusing on innovation, protecting forests from the threat of pests, and on diversifying markets for our forest products. We have increased softwood lumber exports to China tenfold.

These are successes that we should be applauding.

#### Private Members' Business

#### PRESENCE IN GALLERY

**The Speaker:** I would like to draw to the attention of hon. members the presence in the Speaker's Gallery of the Hon. Dale Graham, Speaker of the New Brunswick Legislative Assembly.

I would also like to draw members' attention to the presence in the Ladies Gallery of the Hon. Kevin Murphy, Speaker of the Nova Scotia Legislative Assembly.

**Some hon. members:** Hear, hear!

\* \* \*

#### POINTS OF ORDER

##### ORAL QUESTIONS

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Speaker, in a moment I will be seeking unanimous consent to present a motion.

During question period, in response to the MP for Halifax reminding the Conservatives of their offensive remarks calling first nations and British Columbians opposed to Enbridge northern gateway "radicals", I clearly heard the member for South Shore—St. Margaret's yell out, "They are radicals."

This is beneath any government. This is deeply offensive to the people of British Columbia, and first nations in particular.

I therefore request the unanimous consent of the House to move that in the opinion of this House, two-thirds of British Columbians and the 130 first nations of British Columbia opposed to northern gateway are not radicals.

• (1510)

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. Gerald Keddy (Parliamentary Secretary to the Minister of National Revenue and for the Atlantic Canada Opportunities Agency, CPC):** Mr. Speaker, the hon. member is incorrect. That is not what I said.

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#### PRIVATE MEMBERS' BUSINESS

[English]

#### DAIRY PRODUCERS

The House resumed from June 17 consideration of the motion.

**The Speaker:** Pursuant to an order made on Tuesday, May 27, the House will now proceed to the taking of the deferred recorded divisions on Motion No. 496.

[Translation]

Call in the members.

## Private Members' Business

● (1535)

[English]

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

(Division No. 217)

## YEAS

## Members

Ablonczy	Adams
Adler	Aglukkaq
Albas	Albrecht
Alexander	Allen (Welland)
Allen (Tobique—Mactaquac)	Allison
Ambler	Ambrose
Anders	Angus
Armstrong	Ashfield
Ashton	Aspin
Atamanenko	Aubin
Baird	Bateman
Bennett	Benoit
Benskin	Bergen
Bernier	Bevington
Bezan	Blanchette
Blanchette-Lamothe	Blaney
Block	Boivin
Borg	Boughen
Boulerice	Boutin-Sweet
Brahmi	Braid
Breitkreuz	Brisson
Brosseau	Brown (Leeds—Grenville)
Brown (Newmarket—Aurora)	Brown (Barrie)
Bruinooge	Butt
Byrne	Calandra
Calkins	Cannan
Carmichael	Caron
Carrie	Casey
Cash	Chicoine
Chisu	Chong
Choquette	Christopherson
Clarke	Cleary
Comartin	Côté
Cotler	Crockatt
Crowder	Cullen
Cuzner	Daniel
Davidson	Davies (Vancouver Kingsway)
Davies (Vancouver East)	Day
Dechert	Devolin
Dewar	Dion
Dionne Labelle	Donnelly
Doré Lefebvre	Dreeshen
Dubé	Dubourg
Duncan (Vancouver Island North)	Duncan (Etobicoke North)
Duncan (Edmonton—Strathcona)	Dusseault
Dykstra	Easter
Eyking	Falk
Fantino	Findlay (Delta—Richmond East)
Finley (Haldimand—Norfolk)	Fletcher
Foote	Fortin
Freeland	Freeman
Galipeau	Gallant
Garneau	Garrison
Genest	Genest-Jourdain
Giguère	Gill
Glover	Godin
Goguen	Goldring
Goodale	Goodyear
Gosal	Gourde
Gravelle	Grewal
Groguhé	Harper
Harris (Scarborough Southwest)	Harris (St. John's East)
Harris (Cariboo—Prince George)	Hawn
Hayes	Hillyer
Hoback	Holder
Hsu	Hughes
Hyer	James
Jones	Julian
Kamp (Pitt Meadows—Maple Ridge—Mission)	Keddy (South Shore—St. Margaret's)
Kerr	Komarnicki

Kramp (Prince Edward—Hastings)	Lake
Lamoureux	Lapointe
Larose	Latendresse
Lauzon	Laverdière
LeBlanc (Beauséjour)	Leaf
Leitch	Lemieux
Leslie	Leung
Liu	Lizon
Lobb	Lukiwski
Lunney	MacAulay
MacKay (Central Nova)	MacKenzie
Maguire	Mai
Marston	Martin
Mathysen	May
McCallum	McColeman
McGuinty	McKay (Scarborough—Guildwood)
McLeod	Menegakis
Michaud	Miller
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	
Morin (Chicoutimi—Le Fjord)	Morin (Notre-Dame-de-Grâce—Lachine)
Morin (Laurentides—Labelle)	Morin (Saint-Hyacinthe—Bagot)
Mulcair	Murray
Nantel	Nash
Nicholls	Nicholson
Norlock	Nunez-Melo
O'Connor	Opitz
O'Toole	Pacetti
Papillon	Paradis
Payne	Péclet
Pilon	Poillievre
Preston	Quach
Rafferty	Raitt
Rajotte	Rankin
Ravignat	Raynault
Regan	Reid
Rempel	Richards
Rickford	Rousseau
Saganash	Sandhu
Saxton	Schellenberger
Scott	Seeback
Sellah	Sgro
Shea	Shiple
Shory (sor)	Simms (Bonavista—Gander—Grand Falls—Wind- sor)
Sims (Newton—North Delta)	Sitsabaiesan
Smith	Sopuck
Stanton	St-Denis
Stewart	Stoffer
Sullivan	Sweet
Thibeault	Tilson
Toet	Tremblay
Trost	Trottier
Trudeau	Turmel
Valcourt	Valeriote
Van Kesteren	Van Loan
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— 262

NAYS

Nil

PAIRED

Nil

**The Speaker:** I declare the motion carried.

## GOVERNMENT ORDERS

[English]

### RESPECT FOR COMMUNITIES ACT

The House resumed from June 17 consideration of the motion that Bill C-2, An Act to amend the Controlled Drugs and Substances Act, be read the second time and referred to a committee, and of the motion that this question be now put.

**The Speaker:** Pursuant to an order made on Tuesday, May 27, the House will now proceed to the taking of the deferred recorded division on the previous question at the second reading stage of Bill C-2. The question is on the previous question at the second reading stage of Bill C-2.

● (1540)

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

*(Division No. 218)*

#### YEAS

##### Members

Ablonczy	Adams
Adler	Aglukkaq
Albas	Albrecht
Alexander	Allen (Tobique—Mactaquac)
Allison	Ambler
Ambrose	Anders
Anderson	Armstrong
Ashfield	Aspin
Baird	Bateman
Benoit	Bergen
Bernier	Bezan
Blaney	Block
Boughen	Braid
Breitkreuz	Brown (Leeds—Grenville)
Brown (Newmarket—Aurora)	Brown (Barrie)
Bruinooge	Butt
Calandra	Calkins
Cannan	Carmichael
Carrie	Chisu
Chong	Clarke
Crockatt	Daniel
Davidson	Dechert
Devolin	Dreeshen
Duncan (Vancouver Island North)	Dykstra
Falk	Fantino
Findlay (Delta—Richmond East)	Finley (Haldimand—Norfolk)
Fletcher	Galipeau
Gallant	Gill
Glover	Goguen
Goldring	Goodyear
Gosal	Gourde
Grewal	Harper
Harris (Cariboo—Prince George)	Hawn
Hayes	Hillyer
Hoback	Holder
James	Kamp (Pitt Meadows—Maple Ridge—Mission)
Keddy (South Shore—St. Margaret's)	Kerr
Komamicki	Kramp (Prince Edward—Hastings)
Lake	Lauzon
Leef	Leitch
Lemieux	Leung
Lizon	Lobb
Lukiwski	Lunney
MacKay (Central Nova)	MacKenzie
Maguire	McColeman
McLeod	Menegakis
Miller	Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)	Nicholson
Norlock	O'Connor
Opitz	O'Toole
Paradis	Payne
Poillievre	Preston

Raitt  
Reid  
Richards  
Saxton  
Seeback  
Shiple  
Smith  
Sorenson  
Storseth  
Tilson  
Trost  
Valcourt  
Van Loan  
Warawa  
Watson  
Sky Country)  
Weston (Saint John)  
Williamson  
Woodworth  
Young (Oakville)  
Zimmer— 143

#### Government Orders

Rajotte  
Rempel  
Rickford  
Schellenberger  
Shea  
Shory  
Sopuck  
Stanton  
Sweet  
Toet  
Trotter  
Van Kesteren  
Wallace  
Warkentin  
Weston (West Vancouver—Sunshine Coast—Sea to  
Wilks  
Wong  
Yelich  
Young (Vancouver South)

#### NAYS

##### Members

Allen (Welland)	Angus
Ashton	Atamanenko
Aubin	Bennett
Benskin	Bevington
Blanchette	Blanchette-Lamothe
Boivin	Borg
Boulerice	Boutin-Sweet
Brahmi	Brison
Brosseau	Byrne
Caron	Casey
Cash	Chicoine
Choquette	Christopherson
Cleary	Comartin
Côté	Cotler
Crowder	Cullen
Cuzner	Davies (Vancouver Kingsway)
Davies (Vancouver East)	Day
Dewar	Dion
Dionne Labelle	Donnelly
Doré Lefebvre	Dubé
Dubourg	Duncan (Etobicoke North)
Duncan (Edmonton—Strathcona)	Dusseault
Easter	Eyking
Foote	Fortin
Freeland	Freeman
Gameau	Garrison
Genest	Genest-Jourdain
Giguère	Godin
Goodale	Gravelle
Grogg	Harris (Scarborough Southwest)
Harris (St. John's East)	Hsu
Hughes	Hyer
Jones	Julian
Lamoureux	Lapointe
Larose	Latendresse
Laverdière	LeBlanc (Beauséjour)
Leslie	Liu
MacAulay	Mai
Marston	Martin
Mathysen	May
McCallum	McGuinity
McKay (Scarborough—Guildwood)	Michaud
Morin (Chicoutimi—Le Fjord)	Morin (Notre-Dame-de-Grâce—Lachine)
Morin (Laurentides—Labelle)	Morin (Saint-Hyacinthe—Bagot)
Mulcair	Murray
Nantel	Nash
Nicholls	Nunez-Melo
Pacetti	Papillon
Péclet	Pilon
Quach	Rafferty
Rankin	Ravignat
Raynault	Regan
Rousseau	Saganash
Sandhu	Scott
Sellah	Sgro
Simms (Bonavista—Gander—Grand Falls—Windsor)	St-Denis
Sims (Newton—North Delta)	
Sitsabaiesan	

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Stewart  
Sullivan  
Tremblay  
Turnel

Stoffer  
Thibeault  
Trudeau  
Valeriote— 122

## PAIRED

Nil

**The Speaker:** I declare the motion carried.

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Speaker:** All those in favour of the motion 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:*

**The Speaker:** Pursuant to an order made Tuesday, May 27, the division stands deferred until Thursday, June 19, at the expiry of the time provided for oral questions.

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**ROUTINE PROCEEDINGS**

[English]

**OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES**

**The Speaker:** I have the honour to lay upon the table the annual reports on the Access to Information Act and the Privacy Act of the Office of the Commissioner of Official Languages for the year 2013-14. These reports are deemed to have been permanently referred to the Standing Committee on Justice and Human Rights.

\* \* \*

**GOVERNMENT RESPONSE TO PETITIONS**

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's responses to 10 petitions.

\* \* \*

[Translation]

**COMMITTEES OF THE HOUSE**
**INTERNATIONAL TRADE**

**Mr. Erin O'Toole (Parliamentary Secretary to the Minister of International Trade, CPC):** Mr. Speaker, I have the honour to present, in both official languages, the second report of the Standing Committee on International Trade, entitled "Canada-European Union Comprehensive Economic and Trade Agreement".

[English]

Pursuant to Standing Order 109, the committee requests that the government table a comprehensive response to this report.

**Mr. Don Davies (Vancouver Kingsway, NDP):** Mr. Speaker, New Democrats understand the importance of trade to Canada's economy and believe we must expand and diversify our trade relationships around the world. That is why New Democrats support broader and deeper economic relations with the European Union. We believe a well-negotiated agreement between Canada and the EU would have the potential to benefit citizens of both jurisdictions.

We are pleased to see a report on CETA tabled today and would draw Canadians' attention to the supplemental report drafted by the NDP, appended to the study.

Unfortunately, the Conservative government has mishandled the CETA file egregiously. It has bargained poorly and communicated desperation. It has failed to negotiate with transparency and accountability and ignored vast numbers of important Canadian stakeholders. Serious concerns have been raised about CETA's impact on Canadians' prescription costs, on our dairy industry, on our supply management system, on our provinces' and cities' ability to encourage local economic development and deliver public services, and on our government's ability to legislate in the public interest, especially in the health, environment, and social policy areas.

It is our hope that this supplementary report will help to further inform parliamentarians about the diversity of Canadian perspectives concerning CETA.

● (1545)

**Mr. Massimo Pacetti (Saint-Léonard—Saint-Michel, Lib.):** Mr. Speaker, supplementary to the previous two interventions, I would like to highlight for the House that on page 51 of the English version of the report on the Canada-European Union comprehensive economic and trade agreement, the Liberal Party also submitted a supplementary report, and I recommend that all hon. members read it.

\* \* \*

**CSEC ACCOUNTABILITY AND TRANSPARENCY ACT**

**Ms. Joyce Murray (Vancouver Quadra, Lib.)** moved for leave to introduce Bill C-622, An Act to amend the National Defence Act (transparency and accountability), to enact the Intelligence and Security Committee of Parliament Act and to make consequential amendments to other Acts.

She said: Mr. Speaker, I rise today introduce my bill, the CSEC accountability and transparency act.

The Liberal Party of Canada has a long history in establishing Canada's framework for national security. A Liberal government established Canada's first peaceful signals intelligence function by an order in council in 1946 and established the Communications Security Establishment Canada, or CSEC, in 2001, following the 9/11 terrorist attacks in the United States. However, the laws governing CSEC have not been updated since then and do not reflect the rapid advances in Internet and communications technology since 2001.

This bill aims to correct that situation. It would establish clear rules for judge authorizations and for the reporting, oversight, and review of CSEC operations. It would strengthen protection of Canadians' personal communications, including their metadata, by updating CSEC's legal statute and by providing intelligence and security oversight by a committee of parliamentarians, consistent with most western democracies. This bill would help improve transparency, an important Liberal value, and would restore public trust in this important establishment that is so vital to protecting the security of Canadians.

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

\* \* \*

[Translation]

### FOOD AND DRUGS REGULATIONS

**Ms. Annick Papillon (Québec, NDP)** moved for leave to introduce Bill C-623, An Act respecting the amendment of the Food and Drugs Regulations (labelling of certain food products).

She said: Mr. Speaker, it is an honour for me to introduce my first bill, which aims to amend the Food and Drugs Regulations, specifically with respect to the labelling of certain food products.

My bill, which was announced on May 24 in Quebec City during a demonstration to promote awareness of GMOs organized by AmiEs de la Terre, would make it mandatory to label any food products that contain hormones or antibiotics and to indicate on the label when slaughter waste is used in the production of meat and poultry.

Under Canada's existing labelling practices, product labels must indicate how much salt, fat, cholesterol and carbohydrates the products contain, but no legislative provision requires producers to disclose to consumers many other elements that are present in foods.

As my party's consumer protection critic, I think it is important to give people the opportunity to make educated choices about the foods they want to consume.

That is why this bill calls for increased transparency regarding the labelling of hormones and antibiotics, as well as the labelling of slaughter waste used in the production of meat and poultry.

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

\* \* \*

● (1550)

### COMMITTEES OF THE HOUSE

#### CANADIAN HERITAGE

**Mr. Matthew Dubé (Chambly—Borduas, NDP)** Mr. Speaker, I move that the second report of the Standing Committee on Canadian Heritage, presented on Wednesday, February 5, 2014, be concurred in.

Mr. Speaker, I thank my colleagues for that warm welcome.

I would like to discuss this report, which was tabled just after the House returned following the adjournment for the holiday break. It was about preparations for the Sochi Olympic Games. It is very important to take this opportunity to congratulate the athletes for

### Routine Proceedings

their fine performance and to thank them for how they represented us on the world stage.

[English]

With all due respect to our interpreters, since I get to work alongside these stakeholders and the athletes, I will, in the other official language, again repeat and offer my congratulations to our athletes for their phenomenal performances and the pride with which they represented us in Sochi.

[Translation]

I would like to talk about the recommendations in this report.

The first recommendation had to do with the biggest and most worrisome issue about the Sochi games. I am talking about issues related to protecting human rights and, more specifically, Russia's anti-LGBT laws. Those laws caused a lot of political tension and a lot of fear and concern over how people would be treated, especially those from abroad. We are talking here about Canadians who attended this event as athletes, coaches, support staff and journalists and everyone else involved in the mission to Sochi.

[English]

My colleague from Esquimalt—Juan de Fuca, who is our critic for LGBT rights and issues in Canada, and I worked hard together to bring this issue to the forefront in terms of the concerns that a lot of folks expressed in the lead-up to the Sochi games.

One of the things that concerned us greatly was the fact that on several occasions we had the opportunity to raise the issue in the House and question the Minister of Foreign Affairs as to what exactly was going to be done and whether the government would accept the New Democrats' recommendation to appoint a special consular official, as New Zealand did, who would deal specifically with any issues that could arise concerning the anti-gay laws in Russia.

Unfortunately, the government did not act upon that idea. Not only that, but we were unable to get any sort of concrete information as to what exactly was being done. We had to limit ourselves to very vague ideas of possible extra consular staff and extra attention possibly being brought to the issue without any specifics.

[Translation]

That said, in committee and in the report, we were pleased to find that, despite our great disappointment regarding the lack of specific information from the minister concerning security measures, we nonetheless could see the good will to ensure people's safety. No matter our political allegiance, we all agreed that Canadians going to Sochi for the Olympic Games had to be safe. Naturally, we are very pleased that there were no unfortunate incidents and that everything went as it should. Despite our political differences on this issue, it is important, from that perspective, to recognize the work done by the consular officers on site. They were on the alert and there were no incidents. We are very pleased with that and with the government's response. Although some details were missing, we have to be satisfied with how events unfolded.

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Setting aside the security issue, with this study we also had the opportunity to look into the development of, and funding for, our athletes. That is a very important matter. It is interesting because every time we ask questions about sport or physical inactivity among young people, the government likes to say that it is making record investments in sport. It is probably the only time we will hear this from an NDP or opposition member with respect to a government position. However, we agree with this government position and we do not want to make any changes to government investments in our Olympic athletes.

Nevertheless, the major concern raised in committee was not how much money was spent, but how the money was spent.

• (1555)

[*English*]

A big concern arose with regard to the own the podium program, which is obviously the cornerstone of the government's policy when it comes to funding sports in Canada, and more particularly, when it comes to funding our Olympic athletes and their successes. There are some challenges coming up in the next couple of days with own the podium, because own the podium was coming to an end in its first iteration. There was a need, according to nearly all the witnesses who presented to committee, to see that we had proper timelines in place to allow for the proper development of athletes. There was some concern about some of that funding being too short term. I think it is important to highlight the government's response to the committee's report, which did raise in recommendation No. 2 that we see that this funding continue over a longer term. The government does say, and as I said it is a fact, that it has continued the record investment in the last budget, but it is very wishy-washy in terms of how long that funding will actually be in place and whether the timeline will be appropriate for the different sports organizations.

[*Translation*]

In terms of the own the podium program, witnesses also talked about the sports it supported. Own the podium, as the name suggests, focuses mainly on the sports that we are most likely to medal in. We heard from a number of witnesses who represented associations for sports in which we were deemed unlikely to have a chance of winning, sports that do not get a lot of attention, such as biathlon. We heard from representatives of the biathlon association.

We do not want to change the funding strategy, but we do not want to abandon athletes in sports that are more obscure—I do not really like that word because it seems negative—and sports where athletes tend to be forgotten. It is very important not to do that. Once again, the government response does not really address that issue.

Recommendation No. 4, which we talked about in committee, is about encouraging private sector investment. All of our sports associations and the Canadian Olympic Committee rely heavily on funding from the private sector. The NDP and taxpayers know that it is important and good for private companies in our society to support and encourage our athletes in this way.

However, it is extremely important for the government to create an environment that encourages private sector investment. Several witnesses told us that that is not always the case, despite major improvements since the 2010 Olympics in Vancouver.

[*English*]

In that sense I think we are somewhat satisfied with the government's answer. We agree we need to find better ways to encourage private funding for athletes and for the Canadian Olympic Committee and all the sports associations that represent our athletes so well, that structure them so well, and represent the sports so well.

That being said, there is not a concrete plan yet. The Minister of State for Sport, with whom I have an excellent working relationship, and I will be discussing this in the coming weeks, months and years leading up to the next winter Olympics.

Recommendation No. 5 from the committee's report deals with an issue that has been at the core of the work I have done since becoming the NDP sports critic. It is the question of youth inactivity and how we can find better ways to take advantage of these great role models that we have in our Olympic athletes and these great ambassadors, dare I say great human beings? They are fantastic people I have had the honour and pleasure of meeting. They are ready and willing to help young Canadians be more active. They are ready and willing to be those role models.

• (1600)

Many of the witnesses who presented to committee did bring up this concern.

I think, as we see in the recommendation, part of that comes through working with provinces and territories and, through them, with municipalities. Municipalities are obviously at the front line of the services offered to Canadians when it comes to infrastructure, for example, when it comes to having sports programs in place at the more local level. I think that is interesting. I remember having a discussion with some of the witnesses and some of the stakeholders, both in committee and in private discussions. I think that one of the ways we need to move forward is to look at the funding as a pyramid.

[*Translation*]

At the top of the pyramid are the elite, our Olympic athletes, to whom we will continue to provide financial and moral support. However, when our Olympic athletes perform for us, they also inspire future Olympians, young people in our local communities. That is the base of the pyramid.

There is a very good expression for this:

[*English*]

A rising tide raises all ships.

[*Translation*]

We should be funding sport and supporting our Olympians with the aim of encouraging young people to be more physically active. That is something that the sports community is very supportive of.

At the local level, we encourage people to be active. Of course, not every young person is going to go on to become an Olympian. However, some of them will maintain healthy lifestyles and others will become Olympians. It is a win-win because we will have an active community as well as up-and-coming Olympians, who will make us very proud.

In its response, the government mentioned the children's fitness tax credit. I was disappointed with that response because we concluded that the children's fitness tax credit was hugely inadequate and did not address the needs of everyday Canadians.

[*English*]

Let me explain myself in a bit more detail.

I think the first big flagrant problem with the tax credit for youth physical activity is the fact that when we look at the income brackets of those who are benefiting from this tax credit, it is those who do not need it. At the end of the day, it is a situation where one has to put out in order to get back. Folks who are able to pay are getting extra money in their pocket, which is fine.

However, the flip side of the coin is that folks in lower-income brackets who do not necessarily have the ability to pay for the skyrocketing costs of participating in sports, whether that is the equipment or the registration costs, are not able to benefit from this tax credit. That is a huge problem.

[*Translation*]

Our preliminary research shows that tax credits do not really seem to help those who are not already enrolled in physical activities or sports.

Those who benefit from the tax credit are usually already enrolled in a sport anyway. The government says that this tax credit is meant to be an incentive for those who are not already involved in physical activities, but it is clear that the policy and social objectives of the tax credit are not being met. That is why we are trying to find a way to improve this policy, which has proven to be somewhat disappointing.

• (1605)

[*English*]

I want to say another word on the rising cost of sport in this country.

When we look at some organizations, I think of the phenomenal work that is done by an organization like Right to Play. It is an organization that sometimes goes to war-torn areas in the world. It also goes to developing countries where it is a lot more challenging to put in place the proper sports infrastructure, to get kids involved, because they are worried about day-to-day issues. They are worried about eating. They are worried about clean drinking water and things like that. They are not necessarily thinking about physical activity. Right to Play has done phenomenal work in using sports as a tool to build communities, using sports to get young people involved in their communities in a positive way.

I always like to say when I meet folks that one of the reasons I got involved in politics in my community was through sports. It is a way to meet people in the community, to be involved with them and, hopefully, one that leads to more constructive community participation.

That being said, when we think about the work that Right to Play does, it is unfortunate that we sometimes forget what is happening in our own backyard. To that point, there is some great work being done. I know there are some projects that are getting aboriginal

### *Routine Proceedings*

youth more involved in sports, programs that unfortunately do not always have the support that we would like to see from the government, so when I see this answer from the government, I am obviously pleased to see that it is acknowledging the problem, but it is far, far from enough.

[*Translation*]

Let us look at the other recommendations in the report and the aspect that pertains to the provincial governments. I think it is important to understand the challenge facing the sports community in terms of respecting jurisdictions.

A number of witnesses said that provinces such as British Columbia and Quebec were good examples to follow when it came to some aspects of their programs to encourage young people to participate in sports. We are hoping for collaboration in that regard. In its response to the report, the government promises to strengthen and improve that collaboration.

However, we are still concerned. Whether we are talking about sports—a somewhat less partisan topic—or about more substantial issues in this Parliament, we know that collaboration with the provinces sometimes means that the federal government offloads its responsibilities onto the provinces.

It is extremely important that collaboration means just that and that the federal government fully assumes its responsibilities and does the work it needs to do in that regard, while respecting the jurisdiction of the provinces. The most obvious example is education, where most of the work is done to encourage young people to engage in physical activity.

I would also like to talk about certain aspects of the study that are not necessarily included in the recommendations but that we hear about. However, I do not want to forget a major recommendation in the report that deals with doping and injuries, two extremely important issues. In committee, we heard from a witness from the Canadian Centre for Ethics in Sport, who spoke specifically about doping.

[*English*]

When I look at the question of doping, there are some serious concerns. As far as we and the stakeholders are concerned, not enough is being done right now, especially on how we behave in terms of border security and with what is happening at the ministry of public safety with the handling of drugs. Often they are steroids, as in this particular case, and there is a huge problem with the amount of information available. A lot of time steroids are finding their way into products that are being consumed, with very little to no information available for athletes, so they are consuming these in ignorance, and that is a very serious problem.

• (1610)

[*Translation*]

I see that I am running out of time. It is crazy how time flies when you are talking about something you feel passionate about.

The government did not really mention concussions in its response, but I would like to say that the answer to that problem is simple.

*Routine Proceedings*

It involves supporting the bill introduced by my colleague from Sudbury, my predecessor as the critic for sport, which seeks to implement a national strategy to combat injuries in amateur sports, particularly concussions, which are a scourge. We are working very hard to try to set up a round table to bring together experts.

The government brags that it has made unprecedented investments in the study of concussions. However, we know that too much work in this area is being done in silos. We need to bring together the stakeholders to solve this problem.

I will end on that note, and I encourage members to ask me questions so that I am able to share more information on this subject.

**Mr. Raymond Côté (Beauport—Limoilou, NDP):** Mr. Speaker, I thank my colleague from Chambly—Borduas for his speech on a very important report. This sector too often gets neglected in our society.

Less than two years ago in Beauport—Limoilou, we inaugurated a modern arena that has two skating rinks. It is very useful and meets the needs of the people of Beauport. In addition, Quebec City will be breaking ground on a centre that houses indoor soccer fields.

Municipalities are certainly doing their part, but the government is clearly just wasting money with a tax credit that ultimately does not do anything for a large portion of the population.

Could my colleague give us more details on how the government's priorities are creating a problem with respect to providing active support to amateur sport?

**Mr. Matthew Dubé:** Mr. Speaker, I thank my colleague for his excellent question, especially since the *Is Canada in the Running?* report card was published recently. This report card addresses the problem of childhood physical inactivity. We have well-developed infrastructure in Canada. We have some of the best sports infrastructure in the world.

The situation my colleague mentioned in his riding is a good example. We are talking about what more the federal government could do, but the answer is obviously not always infrastructure. We could point out some examples of infrastructure that is not well developed, but overall, that is not the problem.

Of course, the government responded to the report we are talking about today by saying that the tax credit was one of the solutions it was putting forward. However, the tax credit is not enough. I spoke about the problems with the tax credit and the fact that it did not fix the problem. The government has a responsibility to review its policies. The government could provide more support for sports associations, which could serve as an example to our children, our communities and our families. This could be a new way to encourage them to get involved in physical activity. We are certainly not lacking in arenas. There is another problem, but the government does not seem to be able to identify or address it.

**Mr. Hoang Mai (Brossard—La Prairie, NDP):** Mr. Speaker, I thank my colleague from Chambly—Borduas for his speech and his work as sport critic. He clearly said that this issue affected him personally. He is truly passionate about anything related to sport.

I read the report and recommendations. I know it was a lengthy undertaking, and I congratulate the committee members, particularly

my colleague, for their hard work. During question period, he questioned the government about the impact of cuts to the CBC. Point 3.6 of the report refers to the media and social media. It says that arranging media coverage is an important part of the preparations.

Since my colleague is very familiar with this file, I would like to know whether this issue was looked at in committee.

Was there any consideration given to the potential impacts of cuts to the CBC or elsewhere?

With respect to the media, how will these cuts affect athlete performance when it comes to amateur and Paralympic sport?

• (1615)

**Mr. Matthew Dubé:** Mr. Speaker, I thank my colleague for his question. As well, I promise him that one day I will learn how to stop when skating. Then I might not look so bad as the sport critic.

All kidding aside, my colleague raises a very good point. In committee, we looked particularly at the situation with respect to the Paralympics. Since the Paralympic Games are held after the Olympic Games, the media frenzy surrounding the games calms down a bit and the dust has settled somewhat. It is often quite unfortunate. We are all guilty—probably even some members in this House—of moving on to something else and in the process forgetting about these highly courageous, exceptionally talented people whose performances are sometimes more impressive than those of their fellow athletes who competed in the Olympics.

That said, the question was raised as to whether the Paralympic athletes could be better represented in the media. The Canadian Paralympic Committee said that it had managed to do extraordinary work with CBC/Radio-Canada, which broadcasted the games.

Seeing the excellent work they did and just how happy they were to have made so many gains makes the cuts to Radio-Canada and the CBC all the more disappointing. After all this work, which took years, the public broadcaster has become more sensitive to the situation facing Paralympians. This is the kind of example that shows us the problems that these cuts can cause.

**Ms. Nycole Turmel (Hull—Aylmer, NDP):** Mr. Speaker, I commend my colleague on the excellent work he does as the critic for sport.

I also want to talk about the situation in my riding, where there is a serious lack of sports infrastructure. What is more, I have a timely example, with the World Cup of Soccer under way. In my riding, I am told there are so few soccer pitches that 500 young people are unable to play.

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Good physical health and healthy eating are important for young people. I would like my colleague to draw from his experience and elaborate on how we can help provide affordable sports to help families and young people develop good eating habits and become physically active. These types of problems do not just exist in arenas.

**Mr. Matthew Dubé:** Mr. Speaker, I thank my colleague for her question. I mentioned this earlier. By all accounts, in some cases, there are some gaps when it comes to infrastructure, even though Canada is doing well overall. Nonetheless, some regions and municipalities lack sports infrastructure.

The situation is made worse by the fact that money for sports infrastructure has been cut from this year's budget. When we consider the excise tax and everything else, we see that this is causing problems for municipalities.

To address the hon. member's other point about young people and the importance of leading an active life, I would say that this goes beyond that. We cannot underestimate or deny how important sports can be in a young person's life. Look at the organization Sports Matter.

[English]

The sports matter program has the great idea of seeing some more inter-ministerial collaboration on what sports can do. For example, you may see the Minister of State for Sport work with the Minister of Justice or the Minister of Public Safety.

When we are looking at youth delinquency, for example, a great way to solve the problems involved would be getting kids involved in sports or seeing the Minister of State for Sport work with the Minister of Citizenship and Immigration.

*Hockey Night in Canada* has a Punjabi broadcast now. There is a reason for that. It is because sports is a great gateway for new Canadians to become more active and more involved in their communities. There are a lot of those effects that the sports community sees and, unfortunately, the government does not always see.

That being said, I do want to end on a positive note. While there are criticisms to raise and problems in the report, I have to say that I have been able to work very well with the Minister of State for Sport. At the end of the day, it is a very positive file to work on, because even though we do not always agree on the methods behind the madness, we do have the same ultimate goal. When it comes to sports, it is one file where it is really important to bring that point to the forefront, maybe more than any other.

**Mr. Dennis Bevington (Western Arctic, NDP):** Mr. Speaker, I have enjoyed the opportunity to have this report brought forward.

Within the Northwest Territories, we have been very successful this year at the Olympics. We had two participants out of a population of 40,000 people. It is very significant.

It speaks to the work that has been done by our government in the north to encourage, through participation in things like the Arctic Winter Games, young people to get into competitive sports. I think that is part of it as well, that these opportunities are given.

Do you see the Canada Summer Games and those types of activities leading people forward to the Olympics?

● (1620)

**The Acting Speaker (Mr. Barry Devolin):** One more time, I will remind all hon. members to direct their questions to the Chair rather than directly to their colleagues. A very short answer, please.

**Mr. Matthew Dubé:** Mr. Speaker, I will take the opportunity to congratulate those folks from the Northwest Territories.

Coming from the north, I appreciate the member's comments. That is exactly where we see how sports can be a bridge for folks. Considering Canada's geographic and social diversity, I think one of the elements that can bridge that is sports. That is something we can all agree on.

Hopefully this report is a first step in that right direction and in the work that we can continue to do on this file.

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, I move:

That the House do now proceed to the orders of the day.

**The Acting Speaker (Mr. Barry Devolin):** Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Mr. Barry Devolin):** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Acting Speaker (Mr. Barry Devolin):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Acting Speaker (Mr. Barry Devolin):** In my opinion the yeas have it.

*And five or more members having risen:*

**The Acting Speaker (Mr. Barry Devolin):** Call in the members.

● (1655)

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

(Division No. 219)

## YEAS

## Members

Ablonczy	Adams
Adler	Aglukkaq
Albas	Albrecht
Allen (Tobique—Mactaquac)	Allison
Ambler	Ambrose
Anders	Anderson
Armstrong	Ashfield
Aspin	Baird
Bateman	Benoit
Bergen	Bernier
Bezan	Blaney
Block	Boughen
Braid	Breitkreuz

*Government Orders*

Brown (Leeds—Grenville)	Brown (Newmarket—Aurora)
Brown (Barrie)	Butt
Calandra	Calkins
Cannan	Carmichael
Carrie	Chisu
Chong	Clarke
Crockatt	Daniel
Davidson	Dechert
Devolin	Dreeshen
Duncan (Vancouver Island North)	Dykstra
Falk	Fantino
Findlay (Delta—Richmond East)	Finley (Haldimand—Norfolk)
Fletcher	Galipeau
Gallant	Gill
Glover	Goguen
Goldring	Goodyear
Gosal	Gourde
Grewal	Harris (Cariboo—Prince George)
Hawn	Hayes
Hillyer	Hoback
Holder	James
Kamp (Pitt Meadows—Maple Ridge—Mission)	Keddy (South Shore—St. Margaret's)
Kerr	Komarnicki
Kramp (Prince Edward—Hastings)	Lake
Lauzon	Leaf
Leitch	Lemieux
Leung	Lizon
Lobb	Lukiwski
Lunney	MacKay (Central Nova)
MacKenzie	Maguire
McColeman	McLeod
Menegakis	Miller
Moore (Fundy Royal)	Nicholson
Norlock	O'Connor
Opitz	O'Toole
Paradis	Payne
Poillievre	Preston
Raitt	Rajotte
Reid	Rempel
Richards	Rickford
Saxton	Schellenberger
Seeback	Shea
Shipley	Shory
Smith	Sopuck
Sorenson	Stanton
Sweet	Tilson
Toet	Trost
Trottier	Valcourt
Van Kesteren	Van Loan
Wallace	Warawa
Warkentin	Watson
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)	
Weston (Saint John)	Williamson
Wilks	Woodworth
Wong	Young (Oakville)
Yelich	Zimmer— 138
Young (Vancouver South)	

**NAYS**

## Members

Allen (Welland)	Angus
Atamanenko	Aubin
Bennett	Benskin
Bevington	Blanchette
Blanchette-Lamothe	Boulerice
Boutin-Sweet	Brahmi
Brisson	Brosseau
Byrne	Caron
Casey	Cash
Chicoine	Choquette
Côté	Cotler
Crowder	Cullen
Cuzner	Davies (Vancouver East)
Day	Dewar
Dion	Dionne Labelle
Donnelly	Dubé
Dubourg	Duncan (Etobicoke North)
Duncan (Edmonton—Strathcona)	Dusseault
Easter	Eyking
Foote	Freeland
Freeman	Garneau
Garrison	Genest

Genest-Jourdain	Giguère
Godin	Goodale
Gravelle	Groguhé
Harris (Scarborough Southwest)	Hughes
Hyer	Jones
Lamoureux	Lapointe
Larose	Laverdière
Leslie	Liu
MacAulay	Mai
Mathysen	May
McCallum	McGuinty
Michaud	Morin (Notre-Dame-de-Grâce—Lachine)
Morin (Laurentides—Labelle)	Morin (Saint-Hyacinthe—Bagot)
Mulcair	Murray
Nantel	Nash
Nunez-Melo	Pacetti
Papillon	Péclet
Pilon	Quach
Rafferty	Rankin
Raynault	Regan
Rousseau	Sandhu
Sellah	Sgro
Simms (Bonavista—Gander—Grand Falls—Windsor)	
Sims (Newton—North Delta)	
Sitsabaesan	St-Denis
Stoffer	Sullivan
Tremblay	Trudeau
Turmel	Valeriote— 98

**PAIRED**

Nil

**The Speaker:** I declared the motion carried.**GOVERNMENT ORDERS***[English]***VICTIMS BILL OF RIGHTS ACT**

## BILL C-32—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 C-32, An Act to enact the Canadian Victims Bill of Rights and to amend certain Acts, not more than one further sitting day shall be allotted to the consideration at second reading stage of the Bill; and

That, 15 minutes before the expiry of the time provided for Government Orders on the day allotted to the consideration at 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.

● (1700)

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

With questions, the hon. member for Esquimalt—Juan de Fuca.

**Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP):** Mr. Speaker, here we have what I believe is the 75th use of time allocation in this House. We have the Conservatives applauding because of their limited grasp of representative democracy. We know we have members from more than 300 ridings who represent all different kinds of people in this country and all different kinds of ridings; so when the Conservatives have heard from two or three people, they already have their mind made up and are ready to go on to whatever they want to do. They are not willing to listen to good ideas. Even on bills like this one, where we are actually supportive in principle, they insist on time allocation.

*Government Orders*

My question to whoever is handling this debate at this time—we seem to have a variety of ministers who stand up; I hope it is the Minister of Justice—is this. Why are the Conservatives not willing to listen to additional good ideas on this topic and things that we might be able to offer to improve this bill?

**Hon. Peter MacKay (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, I am always proud to be here to support government legislation, bills that have been introduced through my department. Bill C-32, as the member knows, is a very important piece of legislation pertaining to victims rights, which he has now clearly indicated his party is supporting. I believe that may be the case with the Liberal Party as well.

I note that the bill has been debated for five days. There have been hours devoted to the opportunity for members of the opposition, as well as government members, to rise in this place and clearly put on the record new ideas and constructive suggestions that might add to the bill.

The member speaks of representative democracy. He would know that time allocation motions have been used throughout the history of this place. He would also know that we now have an opportunity to send the bill on to committee, where we can actually hear from Canadians. In addition to the 308 members of Parliament, we would have an opportunity to hear from Canadians and organizations interested in advancing victims' rights. That is what the bill is about. We need to get it into place. We need to secure it in legislation, so that those rights would actually extend and protect victims in Canada today.

[*Translation*]

**Ms. Ève Pécelet (La Pointe-de-l'Île, NDP):** Mr. Speaker, the Conservatives have moved 75 time allocation motions, and a few weeks ago, they extended sitting hours for the House.

Last night, not one single Conservative rose to debate the Conservative bill. We have been here for a few weeks now. However, none of the Conservative member are rising to debate their bills. I understand that there is a sense of urgency and that they absolutely want to debate their bills.

However, could the minister tell us if his colleagues will do us the honour of showing up in the House of Commons and debating their own bills?

[*English*]

**Hon. Peter MacKay:** Mr. Speaker, I know I will be here. I am on House duty.

I would ask the hon. member about the time, not that long ago, when they could not even raise 15 members from their entire caucus to stand in the House. As a result, that occasion and another occasion actually had consequences for them, because their leader then had to go before a committee and talk about some of the illegal activities of their party, some of the illegal exercises they were going through to defraud taxpayers of money. They used taxpayer money for partisan activities, to send out flyers and to fund offices outside of areas where they actually had electoral support.

Perhaps the member would like to respond and tell us why she does not want to show up to work? Why does she and her caucus not

want to be here to actually debate important issues like victims rights?

• (1705)

[*Translation*]

**Mr. Matthew Dubé (Chambly—Borduas, NDP):** Mr. Speaker, it is ironic to hear the minister say that time allocation motions have been used throughout Canadian history. When time allocation was used by the Liberals, his party and his prime minister said that it was an affront to Parliament.

I really wonder if he understands that we want to hear from Canadians in committee and that we also represent Canadians. My riding has 99,000 voters and a population of 130,000 people. I do not think that many of them attend committee meetings. That is why I am here, and that is true of all my colleagues and the minister's colleagues as well.

I would like to respond to what he said to my colleague from La Pointe-de-l'Île when he talked about how we could not raise 25 members to stand and prevent the leader of the official opposition from testifying. First of all, the opposition leader had the courage to testify, unlike most of the ministers in this place. Second, the Speaker ruled that the manoeuvre was not allowed.

In closing, I wonder what he really means when he talks about being on duty. Last Thursday, they had a bit of trouble getting back to the House to vote at 11 p.m. We wonder who is really on duty.

Is he not tired of seeing his government act this way?

[*English*]

**Hon. Peter MacKay:** Mr. Speaker, I know they are anxious to get to their hot dog and hamburger party tonight, but this is an important issue. We are dealing now with victims rights. We want to move this legislation along, so we can actually protect victims in Canada, so we can have the bill in place that would accord them protection from re-victimization in the courts. It would allow them a flow of important information, so they can make decisions for themselves and their loved ones.

Bill C-32 has had five days of debate in the House of Commons. We know there will be ample further opportunity at committee. There will be an opportunity when the bill comes back to the House. I do not know why they do not want to do their jobs: show up, debate important bills, and allow Canadians to see that this Parliament actually functions.

**Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC):** Mr. Speaker, when a right is violated, what recourse does the victim have to seek restitution?

**Hon. Peter MacKay:** Mr. Speaker, when the bill becomes law, one of the rights that to be entrenched in the bill is that individuals who seek restitution will have recourse.

*Government Orders*

As a result of our government, we now have a federal victims ombudsman. Victims would have the opportunity to seek recourse and see that restitution, get the information they needed and the protections that would be afforded them when the courts ordered certain protections around individuals. Very often we are talking about individuals who have been sexually assaulted or abused physically. In cases of seniors, it sometimes involves fraudulent acts that have robbed them of their life's savings.

The bill is designed specifically to allow recourse. In addition to the Charter of Rights and Freedoms, there would also be a victims bill of rights, which would be there specifically to protect those in Canada who have, unfortunately through criminality, found themselves as victims caught up in our system.

[Translation]

**Mr. Pierre-Luc Dusseault (Sherbrooke, NDP):** Mr. Speaker, I would like to come back to the present debate on the time allocation motion.

Again, this is the 75th time allocation motion. I would like to single out this particular time allocation motion by pointing out that the government said at the beginning that these were old bills that had been amply debated during previous Parliaments. However, this bill is new. It was introduced by the Minister of Justice, who is here to answer questions.

He seemed to be saying that there has been enough debate. I was wondering whether he could tell me how many speakers, hours or days it takes before the Conservatives consider that this bill has been debated enough and muzzle Parliament, preventing members from all parties to speak to the bill.

[English]

**Hon. Peter MacKay:** Mr. Speaker, to be clear, all parties will speak to this, and all parties have spoken to this. We have had five days dedicated to the debate so far.

Yesterday we used time allocation on Bill C-2, which had over 97 speakers and over 26 hours of debate. When I was minister of defence, we had a bill that had been presented over three successive Parliaments, and it had been debated endlessly.

The members of the NDP continue to put up speakers time after time, reading the same speech, using the same specious arguments, somehow to prevent the bill from becoming law. We are saying enough is enough.

There has been debate on this important issue. Some major consultations took place to put the bill before Parliament. Some 500 individuals and groups were given the opportunity, from every province and territory, to speak about the bill. Canadians have had a lot of input on the bill already, and they will have more opportunity at committee. It is time for the members of the NDP to put victims first.

• (1710)

**Mr. Kevin Lamoureux (Winnipeg North, Lib.):** Mr. Speaker, I have a question for the government House leader.

We need to acknowledge the fact that the majority Conservative government has set a record on the number of times in which time allocation has been brought in to force through its legislation. We

would have said that back when the Conservatives passed time allocation 30 times. However, today, we are talking about 75 pieces of legislation where the government has brought in time allocation.

Time allocation is closure. It is designed to stop debate inside the House of Commons. It is really all about that.

With respect to wasteful time, we have literally used dozens and dozens of hours debating closure and time allocation on bills. We are talking pretty close to 100 hours just on the issue of process.

Will the government House leader acknowledge that the real reason we are dealing with this issue today is because of the government's inability, and the official opposition's inability, to negotiate a timely discussion so the legislative process can move forward, without having to implement time allocation on every bill, it would seem?

**Hon. Peter MacKay:** Mr. Speaker, let us be clear on the reason we are using this very legitimate parliamentary procedure—which is not closure, by the way. Time allocation has been used and has been part of parliamentary procedure going back to the very beginnings of this place. The member is correct, though, in pointing out that a previous Liberal government would also use this on occasion.

The truth is that when we have important legislation, such as the victims bill of rights, and we are unable to forge agreement in a way that would allow the bill to proceed, this is the way in which Parliament permits progress. This is the way in which important legislation is able to navigate the path forward, which will involve further committee debate and a return to this place. Suggesting somehow that this is a cutting-off of the debate and that this is the end of people's ability to give input into this important bill pertaining to victims is factually incorrect.

When the debate is not being productive and when it is simply the reading of patent speeches over and over again, I do not think Canadians see that as a productive use of this place's time. I do not see that as a way to move legislation such as the victims bill of rights forward. That is why we are in this place.

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapusking, NDP):** Mr. Speaker, as my colleague mentioned, it has been used on occasion, but this has been the norm with the Conservative government.

On this bill, we have to recognize why there needs to be more discussion. We have to look at Frank Addario who is a criminal lawyer. A newspaper article stated:

Frank Addario...said the Conservative government's agenda is to position itself as tough on crime, even though it knows its measures have little real-world effect. It's cynicism masquerading as policy...We did not need a new law for government to tell itself that it should communicate with victims about criminal cases.

*Government Orders*

When we look at that and we look at the government's record with respect to how it has lost court cases—the prosecution law, the safe injection site, Justice Nadon—maybe my colleague could come to the realization that the reason there are debates is to try to avoid these things, to try to avoid wasting taxpayer dollars before the courts for bills that the government is losing. Maybe my colleague could acknowledge the fact that the Conservatives have lost a lot of bills because their not allowing proper debate to happen.

**Hon. Peter MacKay:** Mr. Speaker, I am not sure how that rambling question has anything to do with support for victims. She can read from her BlackBerry from some NDP lawyer who is sending in this important pressing question about how our criminal justice agenda has improved things for victims.

I just mentioned the victims ombudsman. We have a victims fund program at the Department of Justice that has dedicated resources to help victim services across Canada. We work closely with the provinces and territories.

We have put in place some of the most forward-looking legislation when it comes to the protection of children. We have made some 600 appointments to various courts across the country, judges who are now adjudicating over important legislative matters. We have more bills in the queue, including a bill, as the member would know, with respect to the protection of those who are falling victim to cybercrime and those who are being bullied online. We have important legislation before the House that pertains specifically to plugging the hole that was created by the Supreme Court of Canada when it struck down important provisions of the Criminal Code that pertained to prostitution. These are very critical initiatives.

Sometimes time is of the essence, as is the case with Bill C-36, where we have one calendar year, six months of which has already passed. That is why we have to sometimes invoke this provision which allows the members of the House of Commons to have their say.

In this case some 26 members of the opposition have already weighed in on this. If they sit on a committee, they will have an opportunity to similarly voice their views.

However, what I hear from these speeches is the same patented pabulum that does not put forward any constructive ideas. It is the same regurgitated speeches from the opposition, rather than the members saying how they would do it, how they would substantively improve the bill and these are their ideas. There is none of that. It is just absolute criticism without anything in place that would be positive or would help improve the legislation.

• (1715)

[*Translation*]

**Mr. Raymond Côté (Beauport—Limoilou, NDP):** Mr. Speaker, I will not criticize the Minister of Justice for having the impression that he keeps hearing the same speeches. I imagine that extreme fatigue is making his ears ring.

The celebrated Canadian Charter of Rights and Freedoms was introduced with great fanfare some time ago. It was touted as a priority. I remember Senators Dagenais and Boisvenu boasting that it would be the solution to all the woes of victims of crime.

Is the Minister of Justice not even a little embarrassed to have sidelined this issue and then stamped it back out alongside many other bills at the very last minute? Certain victims who are putting a lot of hope in the bill will have to wait. Who knows how this will end.

[*English*]

**Hon. Peter MacKay:** Mr. Speaker, I have been the Minister of Justice for less than a year. I took part in the consultations last summer. We went to every province and territory along with Senator Boisvenu. I would be a bit hesitant if I were that member to invoke the name of Senator Boisvenu, who lost two children, who feels very passionate about victims.

For that member to suggest that we have been slow in bringing this legislation forward, I can only tell him that we are the first government in Canadian history to entrench the rights of victims in legislation. The legislation would give them recourse when they felt that they had been further victimized by the system. The legislation would give them the ability to point to federal legislation that said their rights as a Canadian, as somebody who had to navigate through a difficult justice system, would be protected. The legislation would entrench their rights in law and those rights would advance their ability to move forward with their life and work with the people in the system, as well as their loved ones, to move past a terrible crime thrust upon them and their families.

**The Acting Speaker (Mr. Barry Devolin):** Before I go to the next question, I want to remind all hon. members that when there is a time allocation motion before the House and the 30-minute debate ensues, we do not follow the normal rotation where questions go from caucus to caucus to caucus, but rather a large majority of the questions are reserved for opposition members and typically one or two questions are given to a government member. There seems to be some confusion on that score.

Questions and comments, the hon. member for Kildonan—St. Paul.

**Mrs. Joy Smith (Kildonan—St. Paul, CPC):** Mr. Speaker, I have heard members many times today refer to time allocation. We are supposed to be talking about the victims bill of rights. For the first time in Canada victims will be recognized. For the first time they will have the ability to get restitution. So many victims are anxiously waiting for this legislation. They often go into courts without information and are lost.

Would the justice minister please comment on the victims side of the bill. Could he comment on how they feel about getting the bill through and why they need it passed so quickly?

• (1720)

**Hon. Peter MacKay:** Mr. Speaker, that excellent member has dedicated so much of her life to helping victims, in particular those victims of human trafficking. She has worked closely with individuals who would best be described as vulnerable Canadians. She knows the justice system is a complex system that often requires legal guidance that is not always available.

*Government Orders*

The victims bill of rights is meant to help those who find themselves as victims. It is meant to help those who are often witnesses in court to access services, victim services in particular. These services are available far more readily now than they were when I practised law some 15 years ago. Victim services are set up in every territory and province and programs are designed specifically to provide that type of support.

This bill of rights would entrench in law the right to information, the right to restitution, the right to protection. It would give victims a better feeling knowing that they were included in the system, that their voice would not only be heard, but would be important and responded to. Crown prosecutors, lawyers, judges and police are enthusiastic about the legislation, but no one more so than victims themselves. They have been waiting literally years to have this type of protection, this type of ability, to have legislative protection. That is why we need to move the bill forward as hastily as possible.

[*Translation*]

**Mr. Marc-André Morin (Laurentides—Labelle, NDP):** Mr. Speaker, what struck me is just how certain my colleagues on the other side are of always being right. What victims need is to feel that Parliament debated a bill and the opposition's suggestions were considered. That is when victims will be certain of having the best bill.

What is happening here is that perhaps 24 hours from the end of the session, they have brought forward something half-baked that will most certainly end up like so many other pieces of legislation declared unconstitutional by the courts. How we do our work and how we serve the public are matters of professionalism. Everyone here was elected to do this work, and everyone should have a say. Muzzling us does not serve democracy.

Canadians will not forgive them for their arrogance. They will end up sitting on the other side, forced to follow the small Liberal opposition there will be.

[*English*]

**Hon. Peter MacKay:** Mr. Speaker, I disagree fundamentally with his characterization that there is muzzling. We have heard from almost 30 members. We have had almost nine hours of debate on the bill.

As I said, there were some 500 participants in the consultations. It did not take place here. It did not take place in the sanctity of this building, in this wonderful environment. It took place in their communities, their hometowns, their cities, and their justice complexes. We went to them and heard directly from them. That formed the basis of this legislation.

As far as future input from the opposition, by all means, we encourage and welcome their constructive ideas at committee, when they can actually make changes to the bill, when there can actually be amendments, but not during debate, and not through simply repeating the rehashed NDP talking points.

The member says he is supporting the bill. He wants it to move forward. He wants it to become legislation, but he wants it to continue to be debated here in the House of Commons and hold it up so that we can get out of here and go back to our ridings. That is not what we are here to do. We are here to move legislation forward, get

the bill in place, and get the protections for victims when they really need it, which is now. In fact, it was a while ago.

[*Translation*]

**Ms. Éloise Michaud (Portneuf—Jacques-Cartier, NDP):** Mr. Speaker, I will begin by condemning the frankly contemptuous and disgraceful tone taken by the Minister of Justice, as well as the words he used to describe my colleagues from all parties and the work we do in the House. He holds a supposedly honourable position but does not at all act the way Canadians expect him to. If I were him, I would be ashamed of treating the people sitting in the House the way he does. We were all elected by Canadians, who put their trust in us. Each of us deserves the same respect. I am really ashamed to hear him speak.

We know very well why the Conservatives have moved their 75th time allocation motion. They want to have total control in committee. We know how things work in committee; Canadians are not fooled. The Conservatives control the number of witnesses and the testimony. They want to control what is in the report and cover up all the information.

I want the minister to promise not to limit the number of witnesses who will appear before the committee or the time allotted for the study. Is the minister prepared to promise that?

• (1725)

[*English*]

**Hon. Peter MacKay:** Mr. Speaker, I am sorry the member feels that way. She is entitled to her opinion, of course. As far as who appears at committees and the work of committees, and I know that she is relatively new here, that does not happen. Ministers do not tell committees what witnesses to call. They do not tell committees how to conduct their business.

The member is laughing, showing disdain for Parliament, and showing disdain for this debate. She stood in her place just a moment ago and personally attacked me and then accused me of being condescending to her. I am sorry she has those feelings.

**Mr. Costas Menegakis (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC):** Mr. Speaker, the previous questioner said that we are sent here by Canadians, and she is right about that. We are all sent here by Canadians to represent them. Debate just for the sake of debate, with no constructive result coming out of it, makes no sense to Canadians. We have been sitting here over the last several weeks, in fact since I was elected in 2011, and I have heard NDP members get up, time and time again, with repetitive, regurgitated speeches, with nothing new to offer to the debate.

I heard the member for Winnipeg North earlier make a passionate comment about the time allocation process. A study came out about six or seven months ago that showed that this member has spoken the most of anyone else in the House, with some 227,000 words in a year. By some calculations, if every member of the House said 227,000 words, we would need about 1,300 sitting days. I think we can get our points across without being so verbose.

*Government Orders*

This piece of legislation would entrench the rights of victims in law for the first time in our country, a country that is 147 years old. Could the minister speak to the importance of that for Canadians and the importance of that to victims and their families?

**Hon. Peter MacKay:** Mr. Speaker, I take the hon. member's point. It is not the number of words spoken, it is the quality. It is the legislative initiatives that actually find their way into law and protect Canadians. That is the very essence of this bill. The member is absolutely right in suggesting that this type of legislation is designed, at its core, to improve victims' lives and to put forward compassionate measures that would entrench in law, for the first time, their ability to ensure that their rights to information, protection, and restitution are being respected by the system.

The broad consultation we have done to bring the bill to this point gives me confidence, and should give Canadians and opposition members confidence, that this bill would actually improve our system. It would make it more workable, more inclusive, and more available. It is that availability of information, basic information, about the timing of court hearings, when they are to show up, what they are allowed to bring with them, and what they are allowed to bring to court that is one of the improvements we would make.

I saw incredible work being done by victims' services across the country. It could be something as simple as allowing a child to take a pet to an interview or to appear before a court behind a screen when being cross-examined by an abuser. That is the type of improvement we want to see. They are practical improvements that would help victims in our system.

**Mr. Dennis Bevington (Western Arctic, NDP):** Mr. Speaker, I want to keep it simple for the minister. I would like to repeat the question. When this bill goes forward to committee, which it will do after this time allocation, will the minister guarantee that we will hear from those witnesses who can provide expert testimony, in detail, on this particular bill so we can make sure, like for every piece of legislation, that every aspect of it is correct and as good as possible?

Is he going to allow this type of work to go ahead at committee, or are we going to see the same kind of business that has been going on for the last year in this Parliament, where the committees have been limited in the number of witnesses they can see?

• (1730)

**Hon. Peter MacKay:** Mr. Speaker, let us back up. We will not have an opportunity to hear from those witnesses if we continue to delay this bill in the House of Commons. I come back to his question. I was asked a question—

**Some hon. members:** Oh, oh!

**Hon. Peter MacKay:** Mr. Speaker, I know that they are chirping over there.

I know that the member is from Western Arctic, and he will be very happy to know that we did a lot of consultation in his part of the country. We heard directly from victims and participants in the justice system.

When it comes to committee witnesses, I invite the member to rise in this place and walk over to talk to the committee chair, because it

is the chair who decides on the witnesses and the sitting times. That work is done by those committees at arm's length from the Minister of Justice. He would be the first, I am sure, to rise in his place and decry any interference from the Minister of Justice if I in any way tried to influence those witnesses.

[*Translation*]

**The Acting Speaker (Mr. Barry Devolin):** It is my duty to interrupt the proceedings at this time and put forthwith the question on the motion now 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 Acting Speaker (Mr. Barry Devolin):** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Acting Speaker (Mr. Barry Devolin):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Acting Speaker (Mr. Barry Devolin):** In my opinion the yeas have it.

*And five or more members having risen:*

**The Acting Speaker (Mr. Barry Devolin):** Call in the members.

• (1810)

[*Translation*]

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

(*Division No. 220*)

## YEAS

## Members

Ablonczy	Adler
Aglukkaq	Albas
Albrecht	Alexander
Allen (Tobique—Mactaquac)	Allison
Ambler	Ambrose
Anders	Anderson
Armstrong	Ashfield
Aspin	Baird
Bateman	Benoit
Bergen	Bernier
Bezan	Blaney
Block	Boughen
Braid	Breitkreuz
Brown (Leeds—Grenville)	Brown (Newmarket—Aurora)
Brown (Barrie)	Butt
Calandra	Calkins
Cannan	Carmichael
Carrie	Chisu
Chong	Clarke
Crockatt	Daniel
Davidson	Dechert
Devolin	Dreeschen
Duncan (Vancouver Island North)	Dykstra
Falk	Fantino
Findlay (Delta—Richmond East)	Finley (Haldimand—Norfolk)
Fletcher	Galipeau

*Government Orders*

Gallant	Gill
Glover	Goguen
Goldring	Goodyear
Gosal	Gourde
Grewal	Harper
Harris (Cariboo—Prince George)	Hawn
Hayes	Hillyer
Hoback	Holder
James	Kamp (Pitt Meadows—Maple Ridge—Mission)
Keddy (South Shore—St. Margaret's)	Kerr
Komarnicki	Kramp (Prince Edward—Hastings)
Lake	Lauzon
Leef	Leitch
Lemieux	Leung
Lizon	Lobb
Lukiwski	Lunney
MacKay (Central Nova)	MacKenzie
Maguire	McColeman
McLeod	Menegakis
Moore (Fundy Royal)	Nicholson
Norlock	O'Connor
Opitz	O'Toole
Paradis	Payne
Poillievre	Preston
Raitt	Rajotte
Reid	Rempel
Richards	Rickford
Saxton	Schellenberger
Seeback	Shea
Shipley	Shory
Smith	Sopuck
Sorenson	Sweet
Tilson	Toet
Trost	Trottier
Valcourt	Van Kesteren
Van Loan	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— 137	

**NAYS**

## Members

Allen (Welland)	Angus
Atamanenko	Aubin
Bennett	Benskin
Bevington	Blanchette
Blanchette-Lamothe	Boulerice
Boutin-Sweet	Brahmi
Brisson	Brosseau
Byrne	Caron
Casey	Cash
Chicoine	Choquette
Christopherson	Cleary
Côté	Cotler
Crowder	Cullen
Cuzner	Davies (Vancouver Kingsway)
Dewar	Dion
Dionne Labelle	Donnelly
Doré Lefebvre	Dubé
Dubourg	Duncan (Etobicoke North)
Duncan (Edmonton—Strathcona)	Dusseau
Easter	Eyking
Foote	Freeland
Freeman	Garneau
Garrison	Genest
Genest-Jourdain	Giguère
Godin	Goodale
Gravelle	Grogué
Harris (Scarborough Southwest)	Harris (St. John's East)
Hughes	Jones
Julian	Lamoureux
Lapointe	Larose
Latendresse	Laverdière
Leslie	Liu
MacAulay	Mai
Marston	Martin
Mathysen	May

McCallum	McGuinty
McKay (Scarborough—Guildwood)	Michaud
Morin (Notre-Dame-de-Grâce—Lachine)	Morin (Laurentides—Labelle)
Morin (Saint-Hyacinthe—Bagot)	Murray
Nantel	Nash
Nicholls	Nunez-Melo
Pacetti	Péclet
Pilon	Quach
Rafferty	Rankin
Raynault	Regan
Rousseau	Saganash
Sandhu	Scott
Sellah	Simms (Bonavista—Gander—Grand Falls—Windsor)
Sims (Newton—North Delta)	Sitsabaiesan
St-Denis	Stewart
Stoffer	Sullivan
Tremblay	Turmel
Valeriote— 105	

**PAIRED**

Nil

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

**Ms. Nycole Turmel:** Mr. Speaker, this is the first time we have faced this situation, so I just want to be sure of the Speaker's ruling when members arrive in the House and may or may not have heard the question. The hon. member for Bruce—Grey—Owen Sound arrived after you began your presentation.

**The Acting Speaker (Mr. Bruce Stanton):** The hon. member for Bruce—Grey—Owen Sound.

**Mr. Larry Miller:** Mr. Speaker, bonjour.

**Some hon. members:** Oh, oh!

[*English*]

**The Acting Speaker (Mr. Bruce Stanton):** I sense that there is great enthusiasm for what the hon. member has to say. The hon. member.

**Mr. Larry Miller:** Mr. Speaker, I did come in while you were reading the question. I am at your mercy. Your ruling will count.

**The Acting Speaker (Mr. Bruce Stanton):** Perhaps I missed the opening part of the member's comments while I was still standing. I just wonder if the hon. member could verify that in fact he heard the question.

**Mr. Larry Miller:** What I was verifying, Mr. Speaker, is that I did not come in after you read the question; I came in while you were reading it, so I will leave it up to you.

**An hon. member:** Did you hear it?

**Mr. Larry Miller:** I did not hear the first few words, just to be honest, Mr. Speaker.

**The Acting Speaker (Mr. Bruce Stanton):** As is normally the practice of the House, we take hon. members at their word. The hon. member acknowledges that he did hear the question, and so his vote will be counted.

*Private Members' Business***PRIVATE MEMBERS' BUSINESS**

[English]

**CRIMINAL CODE**

**Mr. Randy Hoback (Prince Albert, CPC)** moved that Bill C-590, an act to amend the Criminal Code (blood alcohol content), be read the second time and referred to a committee.

He said: Mr. Speaker, it is a great honour to rise in the House again to put forward a private member's bill which I think would make Canada a safer place and our roads definitely safer to drive our vehicles on.

The first thing I would like to do is thank the Minister of Justice and his staff for their assistance. I would like to thank the parliamentary secretary for all his assistance. I would also like to thank the staff at the Library of Parliament for helping me draft this piece of legislation.

I also want to be very clear at the start that I am very open-minded on this piece of legislation. It is something that I am willing to amend and see amendments made to, to make it a better piece of legislation. This is something that the House can embrace, that committee can embrace, to actually accomplish the goal of making this a strong piece of legislation that would save Canadian lives.

I think everybody in this House is aware of someone who has passed away in a traffic accident or a motor vehicle accident where alcohol was involved. I think we all understand the implications of how devastating that can be to families, employers, employees, and friends.

The story I would like to talk about right now is about a colleague and a friend, a businessman in Prince Albert by the name of Ben Darchuk.

Ben ran Ben's Auto Glass. He had been in our community for a long time. He was 53 years old on May 20, 2012, when he was driving up to the lake to meet up with his family. He was hit head on by a drunk driver. The driver was definitely over the legal limit and beyond. He had admitted to consuming cocaine earlier on in the day. The results were devastating not only to Ben, but to his entire family, friends, and employees.

Prince Albert lost a pillar that day. It was the Victoria Day long weekend, a time when people go camping for the first time in the summer. Ben was going to take his boat on the lake and enjoy it. His wife and kids were up at the lake. He was nine kilometres north of Prince Albert driving to the lake when the accident happened.

His family is devastated. His wife Leanne is devastated. His three children do not have a father. His employees at Ben's Auto Glass do not have a boss. The turmoil of going through that loss and the turmoil of the insecurity of the business, with his colleagues and his employees not being sure where they were going to be was just devastating.

**Mr. Peter Julian:** Mr. Speaker, as much as I enjoy the member for Bruce—Grey—Owen Sound and his eloquent French, I think there is a question of consistency here. We had discussion earlier in the week about every member being in the House to hear the entire question. If what you are saying, Mr. Speaker, is that a member only has to hear part of the question, that is quite a different interpretation than we have heard in the past.

The member for Bruce—Grey—Owen Sound was honest that he came in partway through the question, so the issue really is if—

**Some hon. members:** Oh, oh!

**The Acting Speaker (Mr. Bruce Stanton):** Order. The hon. member for Burnaby—New Westminster has the floor.

• (1815)

**Mr. Peter Julian:** Mr. Speaker, I think the government is proving why it is not going to be re-elected in 2015. Canadians see that and they do not like it.

What we have heard in the past is that members have to be present for the entire question. I want to clarify that if the Speaker is now saying that if members are in the House for part of the question, that is quite a different situation, and I would submit that would lead to a lot of confusion around these kinds of votes.

I am seeking clarification. If a member is present for only part of the question, does that mean that he or she is eligible to vote? That is different from what we have heard in the past.

**The Acting Speaker (Mr. Bruce Stanton):** I thank the hon. member for his intervention on the point.

That is actually not what I said. I said that the hon. member verified that he did hear and understood the question and we took him at his word, as has been the convention for hon. members in questions of this nature.

Having said that, I appreciate the hon. member's comments. I will take a closer look at how the sequence of events unfolded and get back to the House, if necessary.

**Mr. Yvon Godin:** Mr. Speaker, I am very pleased that you are going to check the blues, because I never heard him say that he understood the question. He said he missed the beginning of the question. That is what he said. That is going to set a precedent. If you are going to honour what an hon. member says when he stands, that means we only have to stand and say we understand the question, and you will never know if we understand or not. There has been a practice in the House for the 17 years that I have been here, and if you make that decision, it means the practice will be changed.

**Mr. Larry Miller:** Mr. Speaker, it is silly season here, and apparently it is okay to lose nine to nothing, but not ten to nothing. I recant my vote and I ask you not to count it.

**The Acting Speaker (Mr. Bruce Stanton):** I thank the hon. member for Bruce—Grey—Owen Sound for his additional comments. I will accept that as having resolved the question.

It being 6:18 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

*Private Members' Business*

This is a guy who was very active in the Kinsmen Club. He was responsible for bringing 9-1-1 into Prince Albert, or assisted in that. He was very proud of his Ukrainian culture, Ukrainian dancing. We would see him at different dances and events. He was active in the community. He was 53 years old. He was hit by a drunk driver and he passed on.

It is really sad when we hear of cases like Ben's. I think everybody, as I said earlier, can relate to that because I think we all know of somebody, a friend, a colleague, or a family member, who has been involved in a situation like that.

We need to look at what we can do to ensure that drinking and driving is not acceptable and is not something that someone should even consider. I use the saying, "If in doubt, don't drive."

What I am trying to tackle here is the fact that some people are way too intoxicated to be driving. These people who are far too intoxicated to be driving are getting behind the wheel of a motor vehicle and by doing that, they are actually putting a lot of innocent people at risk.

I will go through the details of my bill. Then I will wrap up with some of the comments I heard when talking to some of the families. I would also like to thank the families for sharing their stories with me, because that gives the emotional push we need to put something like this forward.

Bill C-590 is an act to amend section 255 of the Criminal Code to establish more severe penalties for offenders who have a blood alcohol content that exceeds twice the legal limit. Let us clarify that. It is twice the legal limit. If someone has a blood alcohol content of .16, those are the people we are targeting here.

Such offenders would be liable for imprisonment for a term not exceeding 10 years. Penalties for a first-offence conviction would now result in a minimum fine of \$2,000 and a minimum 60-day prison term. In the case of a second or subsequent offence, the minimum imprisonment would be 240 days.

Those with a blood alcohol content over the legal limit who harm or kill someone would be additionally penalized a maximum fine of \$5,000 and a minimum of 120 days in prison for the first offence, and a minimum of 12 months in prison for the second or subsequent offence.

According to Statistics Canada, and these are really sobering statistics, almost half the fatal or injured drivers had a blood alcohol content of more than twice the legal limit. In half the fatalities the drivers that were involved had twice the legal limit of blood alcohol content. These are the people we need to get off the road.

• (1820)

It is also a fact that this impairment has a devastating impact on our youth, as 31% of deaths among our kids the alcohol-related. It is not an acceptable number.

Both these numbers are preventable, yet they are there and it is something that is still ongoing.

In June of 2009, a report by the House of Commons Standing Committee on Justice and Human Rights on alcohol use among fatally injured drivers indicates that most of the impaired driving

problems lie with drivers having a blood alcohol content over the current Criminal Code BAC limit of 0.08.

Among the tested drivers in Canada, 62.9% showed no evidence of alcohol in their blood. That is a good thing. That number should be 100%, but 63% is not a bad thing.

There were 37.1% who had been drinking. Out of those who had been drinking, 4.3% had a blood alcohol content of less than 0.05, 2.6% had a blood alcohol content of 0.05 to 0.08, 9.5% had a blood alcohol content of 0.081 to 0.16, and 20.8% had a blood alcohol content of over 0.16. In other words, 81.5% of the fatally injured drinking drivers had a blood alcohol content over the current limit of 0.08 to 0.16.

This tells members exactly what I am trying to do with this piece of legislation, why I am targeting the folks who are at twice the legal limit, and why we need to make sure that these people are off the roads. When people are at twice the legal limit, at that level of consumption it is obvious not only to those people but to their friends and colleagues around them that they are three sheets to the wind and should not be operating a vehicle or a crane or engaging in any type of activity like that.

Drivers with a high blood alcohol content are behind the wheel of 1% of the cars on the road at night and on weekends, but they account for nearly half of all the drivers killed at those times.

Limited resources would seem to best be deployed to target that 81.5% of the fatally-injured drinking drivers who are already above the 0.08 threshold. The worst offenders are already driving with a blood alcohol content that is two or three times the current limit. Drivers with the highest blood alcohol content constitute the most significant danger on the roads, as they should still be a priority.

The report states:

Section 255.1 of the Criminal Code states that if an impaired driving offence is committed by someone whose BAC exceeded 0.16 at the time the offence was committed, this will be an aggravating factor on sentencing. This reflects the fact that driving with a high level of impairment (over 0.16 BAC or double the current legal limit) is generally indicative of serious problems.

Even if a driver with this level of impairment is being detected for the first time, it is likely that this is a hard-core impaired driver. This is due to the fact that it is rarely the first time they have driven while impaired by alcohol — it is simply the first time they have been arrested for it.

In my home province of Saskatchewan, we have nothing to be proud about when it comes to drunk drivers. In fact, we are seeing an increase in police reports of impaired driving incidents for each consecutive year from 2006 to 2011, according to Statistics Canada.

Furthermore, in 2011, among all the provinces Saskatchewan had the highest number of such police-reported impaired driving incidents, with almost 700 per 100,000 people. In other words, over the course of five years, the number of police-reported incidents increased from 500 to 700 per 100,000. The trend was going the wrong way. That trend needs to change.

Bill C-590 targets drivers with high blood alcohol contents by increasing specific penalties for such drivers. The goal is to prevent these drivers from reoffending, since high-risk offenders cause the greatest number of fatal collisions and are more likely to be repeat offenders.

*Private Members' Business*

I understand this piece of legislation is not the be-all and end-all. It will not solve drinking and driving. What it does do is provide a tool for those who are educating our kids to explain to them how serious it is. It allows our educators to go to our kids and say, "Drinking and driving is not only unacceptable; there are also serious consequences to you if you drink and drive. It is even more serious if you drink and drive and you are severely drunk."

It also lays out the facts of what can happen, not just the fatalities that are created by being over the legal limit but the fatalities that are created when someone is at twice the legal limit and the impact that has. If we think about it, 50% of fatalities on the roads involve somebody who is at twice the legal limit.

● (1825)

The other thing I would like to highlight for the House is that I am very open to amendments. I am very open to seeing this legislation being created and drafted in such a way that we can all get along, take pride, and bring it forward. To use an analogy for what I have done here, I have taken a piece of clay, just as a potter takes a piece of clay, and I have started to shape it. I have tried to give it a vision. However, I expect the House, through the committees, to help define what this is going to look like. I expect the House and the committees to come forward with suggestions, and I look forward to them as we try to make the bill better. Our end goal here is to see fewer fatalities on the highway and to make sure the roads that our kids, our parents, and our family members drive down are safe.

It is not just roads. I want to make that very clear. It is a motor vehicle. It could be a boat. In fact, in talking to colleagues today, I heard a suggestion that we should also be looking at the workplace. If someone is over 0.08 or at twice the legal limit, should they be operating a crane? Should they be operating a piece of heavy machinery, especially if there are others around who could be severely injured if they happen not to proceed in a safe manner because they are over that limit?

There are a lot of things to think about in this legislation, and I want to shine a light on that because I want people to understand that drinking and driving is not acceptable. If someone is at twice the legal limit and they think that is okay and get behind the wheel, there have to be severe penalties.

When I talked to the people at MADD about the bill, they had some disappointments with it, which I can understand. They wanted it to be even more severe. They feel we should have higher penalties and that the minimum should be bigger. I am willing to look at those amendments, but I trust the committee will actually talk to different witnesses and decide the best way to move forward.

One thing we have to do is talk to the victims. We have to understand what the victims go through and how that impacts the families, the friends, and the communities around them. We have stories in the past in some of our smaller towns in Prince Albert. Some teenagers were out on a Friday night, drinking and driving. They know it is not acceptable, but it still happens. Then all of a sudden we are having a funeral in the school gym. What a loss of life. How sad.

One thing we must really ensure is that we have the proper education in place so that these kids understand the implications of drinking and driving and do not repeat it.

In closing, I will mention that Ben Darchuk had a saying: "If there's a will, there's a way." That was his attitude when he was around Prince Albert. If we wanted to get something done, he would always say, "If there's a will, there's a way." I understand that was his motto. With this piece of legislation, if there is a will with the House, if there is a will with the committee, if we are all willing to work together with the same goal, then there is a way to get this measure through, and we will have a better community because of it.

Mr. Speaker, I thank you for this time to present my bill. I would like to thank my colleagues for their support. I would like to thank all the members for considering this piece of legislation. As we move forward with debate here tonight, I look forward to the positive suggestions and ideas that can come forward to make this an even better piece of legislation.

● (1830)

[*Translation*]

**Ms. Ève Pécelet (La Pointe-de-l'Île, NDP):** Mr. Speaker, I want to commend my colleague on his speech.

My first question is in line with his conclusion.

It is important to realize that, unfortunately, many young people are involved in car accidents. They may not be fully aware of drinking and driving offences. In Quebec, the SAAQ, la Société de l'assurance automobile du Québec, has put on a number of awareness campaigns targeted at young people.

I would just like my colleague to tell me whether his government would be open to this type of strategy and awareness campaign. We must indeed punish those who are responsible, but an ounce of prevention is worth a pound of cure. It is better to prevent deaths than to convict someone after people end up dead in car accidents.

I just want to know what his government's plans are for raising awareness about these types of situations.

[*English*]

**Mr. Randy Hoback:** Mr. Speaker, I can hear the concern in the member's voice and I understand it.

I want to make one thing very clear. This is an "and", not an "or". It is not that we will do this, or something else; we can do this, and something else. When they are going through that educational process, what I am trying to do here is provide them with the tools to explain to the people they are teaching just how severe the consequences can be if they engage in this activity.

This is a private member's bill, so it cannot be a money bill. In a PMB, resources can not be used for funding new programs or new projects. That is not something I can do in a PMB. The government itself can look at that, as it so chooses, and that is where the committee can serve a valuable function. The committee can shine a light on it.

*Private Members' Business*

The committee can also do another thing: it can bring in witnesses and bring forward best practices right across Canada and share those best practices. Those recommendations might then be something that we could look at.

If something great is being done in Quebec, I would like to learn about it so that we can repeat it and copy it in Saskatchewan, or maybe they would want to copy it in the Northwest Territories or Newfoundland.

That is what I would say. We definitely want to do one or the other, and we want to do both.

**Mr. Sean Casey (Charlottetown, Lib.):** Mr. Speaker, I thank the member across for bringing in this bill. We share the objective of trying to get drunk drivers off the road, but I think it is important that any measures we bring forward to achieve that objective are proven and are based on evidence.

The member indicated that Saskatchewan does not have a proud record with regard to drunk drivers. Neither does Prince Edward Island, although one thing that is done in Prince Edward Island is that every single person convicted of drunk driving in Prince Edward Island spends time in jail. I believe we are the only province that does that. The case law has developed such that there is a policy at the provincial court that it happens.

It has not done the trick. We still have the highest incidence of drunk driving, so while we share the member's objective, we know that mandatory minimum sentences do not work. However, the bill brings in mandatory minimums as the only tool being offered to solve this complex social problem.

My question for the member is this: is there any evidence anywhere that he can point to that indicates that mandatory minimums will achieve the objective that he seeks? I appreciate he said that he is open to other suggestions at committee. Are there any that he can bring forward here and now, other than mandatory minimums, that stand a better chance, based on evidence?

• (1835)

**Mr. Randy Hoback:** Mr. Speaker, the member raised a good point. He is looking for concrete evidence.

In Saskatchewan, for example, after I think it is two or three convictions, individuals would actually go through a course that would highlight the consequences of their actions to them.

That type of activity is already going on in other provinces, and that is where the committee can serve a strong function in bringing together these types of ideas to try to find the best way to move forward.

All I know is that in this type of legislation, we are giving the educators some strong tools to explain to people the consequences of their actions. They would make it clear to these kids what would happen if they engage in this type of activity. It would not be an option. The judge would not be nice to them. Their mothers would not be able to cry to the judge and get them off with a little sentence. It would be very severe, so if they engaged in this type of activity, this is what would happen. However, if they became repeat offenders or people who actively participated in this activity, then we would

have to get them off the road, because sooner or later they will kill somebody.

That is where we need the ability to go up to 10 years and impose stronger sentencing to get these people off the road, because obviously they will kill somebody, and that is not acceptable.

[Translation]

**Ms. Ève Péclet (La Pointe-de-l'Île, NDP):** Mr. Speaker, I am very pleased to rise in this House to speak on this bill. I commend my colleague, who introduced this bill to deal with drinking and driving. This issue warrants debate in the House, since unfortunately on television we see too many reports about people who have had their lives tragically cut short mainly because of drinking and driving. Sometimes these tragic accidents result in serious injury, such as permanent paralysis.

I would like to present a brief legislative summary of my colleague's bill. This bill would amend section 255 of the Criminal Code to establish more severe penalties for offences committed under section 253 in circumstances where the offender has a blood alcohol content that exceeds 160 milligrams of alcohol in 100 millilitres of blood, or 0.160, double the limit of 0.08 set out in the Criminal Code. It would also raise the minimum penalties that apply to convictions for impaired driving causing bodily harm or death. That is the overview of the situation.

I would like to tell my colleague that we will support his bill at second reading so it can go to committee. I very much appreciated the tone used by my colleague, who was very open to amendments and discussion. I thank him for giving us the chance to propose amendments once we hear from witnesses. It is important to send the bill to committee so that witnesses can tell us whether these measures are a step in the right direction or whether my colleague's bill could be improved.

First of all, drinking and driving is clearly a terrible problem in our society. It has killed far too many people and injured far too many others for the problem not to be debated in the House. We need to inform and educate young people and everyone who could potentially be affected by such a situation. As I mentioned when asking my colleague a question, prevention is better than a cure. That is why it is extremely important to have youth awareness campaigns in order to teach young people about the consequences of drinking and driving.

Young people need to be warned about not only the dangers of drugs and smoking, but also the dangers surrounding alcohol. This is extremely important, because young people are the heart and future of our society. This bill is designed to save the lives of Canadians, and so I wish to congratulate my colleague. We must reach out to these people today and tell them that we are there to help them.

However, money needs to be set aside. I am not referring directly to my colleague, because I understand that this is a private member's bill and that he does not have that authority. Only the government has that authority. I am therefore reaching out to the government and asking it to set money aside to help front-line organizations.

For example, in Quebec, Operation Red Nose provides a service to drive people home during the holidays.

*Private Members' Business*

• (1840)

Someone who attends a family Christmas party and drinks a bit too much can call Operation Red Nose or a taxi. Young people need to hear about these kinds of options. We need to do everything we can to prevent deaths.

In the House, we need to come up with strategies and free up money in order to do everything we can to prevent deaths. This is my colleague's true goal; I am absolutely certain of that. We do not want to see another news report that young people or children have died in a car accident where drinking and driving was involved.

We have a few problems with minimum sentencing. Criminal and constitutional law experts recognize that minimum sentencing does not have the desired deterrent effect on criminals, even if that is the impression people have.

In the United States, experts adopted minimum sentencing policies, although they do not work. Our neighbours to the south are even in the process of reversing direction and adopting a justice system and criminal justice policies focused more on prevention. As I have already said, an ounce of prevention is worth a pound of cure.

It is too late to convict someone once they are dead. When someone has died, Parliament has not done its job. We need to be able to say that we have done everything in our power to save the lives of Canadians.

I understand and respect my colleague's intent. We will support the bill; however, mandatory minimums remove a judge's discretion. They also do not have the deterrent effect my colleague would have Canadians believe they do.

The sentences proposed in the bill are slightly lighter than those generally imposed by the courts. For example, in 2011 and 2012, the average prison sentence was 277 days for impaired driving causing bodily harm and 959 days for impaired driving causing death. As I said, the sentences proposed in the bill are lighter than those imposed by judges, using their discretion, on individuals convicted of such an offence.

The minimum penalties proposed in the bill could be counter-productive. Minimum penalties tend to end up becoming the default penalty, except in the worst cases. It is very important for judges to have the discretionary power to analyze any extenuating or aggravating circumstances. We can reasonably expect defence lawyers to request the minimum penalty in such cases.

The number of cases of impaired driving decreased between 1980 and 2006. In fact, it reached its lowest point in 25 years, which was 234 cases per 100,000 population. In 2011, we saw the lowest number of cases of impaired driving causing death in 25 years. During the same period, the same was true of cases of impaired driving causing injury or bodily harm.

These statistics show us that minimum penalties, whether they are stiffer or not, do not act as a deterrent. Awareness, information and education act as a deterrent. I think that is what we need to focus on.

• (1845)

I applaud my colleague for making an effort to consult, but with all due respect, I have to say that most of the legislative provisions

on impaired driving, for example, the one involving demerit points, come under provincial jurisdiction. Did he consult the provinces and his provincial counterparts to find out how the bill will affect provincial laws and community organizations?

I look forward to studying this bill in committee.

[English]

**Mr. Sean Casey (Charlottetown, Lib.):** Mr. Speaker, I have indicated on countless occasions my profound concern about the ongoing effort of Conservative members of Parliament who introduce bills allegedly to combat crime. I have repeatedly made my concerns known that these crime bills are undermining the coherence of the Criminal Code of Canada. Far too often we find backbench MPs introducing private members' bills primarily relating to crime and justice, and more often than not based on input from the Prime Minister's Office.

I am also concerned that these private members' initiatives are not properly vetted to ensure their charter compliance. Unfortunately, that concern applies to government bills in too many cases, which, when introduced, immediately raise serious constitutional issues.

To underscore this concern we need only look at what happened yesterday with the Minister of Justice, who yesterday and again today was telling the House and the media bizarrely that the Supreme Court's ruling last Friday somehow was a victory for his government. More specifically, he was suggesting that there was something in the court ruling that was a victory for Bill C-13 and Bill S-4. Never mind that in the reality in which most of us operate, the court ruling undercuts both of those bills.

When it comes to so-called tough on crime legislation, whether from the government or backbench MPs, we on this side are more than a little suspicious of their motives. Moreover, we are concerned whether or not these bills, and there are many, are constitutional.

Again, the overall impact of these bills is to make the Criminal Code incoherent, which is unfortunate. The Criminal Code should not be used as a political fundraising tool, and I submit that the government has used these private members' bills and other government bills for no other reason than to raise money.

Today, however, as I indicated earlier, we may have a rare exception to that rule. We are debating Bill C-590 in the name of the member for Prince Albert. It was certainly encouraging to hear him say that he is open to amendments that would seek to achieve the objective of the bill.

As we know, Bill C-590 would amend the Criminal Code to increase mandatory minimum penalties for impaired driving where the offender has a blood alcohol content more than double the legal limit.

*Private Members' Business*

Currently, there are minimums for drivers over the legal limit and for convictions of impaired driving causing bodily harm or death. In most provinces, a minimum jail time does not apply for a first offence. As I indicated in my question earlier, there is an exception in Prince Edward Island. That is how the case law has developed, but in most of the country there is no mandatory jail time for a first offender with a blood alcohol level of 0.08.

The hon. member will be pleased to know that today, after careful consideration and consultation with my colleagues, I have recommended to the Liberal caucus that we support Bill C-590.

My major concern is with the use of mandatory minimum jail sentences. The hon. member would know that we opposed in principle the use of mandatory minimums, and we do so because there is no evidence to suggest that they work or are effective in reducing crime. We believe that mandatory minimums should be the exception and not the rule.

We will support sending the bill to committee because we agree with the objective of the bill, and at committee, hopefully we will have an opportunity to hear how best to achieve that objective.

I would like to take this opportunity to congratulate the member for Prince Albert for his effort. I believe he is sincere in that effort. I believe he is in fact seeking to make our roads and highways safer.

We all know that drinking and driving remains a serious issue in Canada. The number of bodily injuries and deaths caused by impaired driving continues to be unacceptably high. By targeting impaired drivers with a blood alcohol over 160 milligrams per 100 millilitres of blood, the act would create a specific deterrent to the class of drivers who pose the greatest statistical risk.

• (1850)

By dealing severely with the worst consequences of impaired driving, which are bodily injury and death of third parties, the act would also emphasize the rationale behind deterring impaired driving. Limiting judicial discretion is problematic, but this is, indeed, a serious enough issue that it merits further examination.

It should be noted that impaired driving continues to be a particular problem in locations and provinces across the country, including, and especially, in my own province of Prince Edward Island. In Prince Edward Island, the provincial government is doing what it can to address this problem. Just in the last session of the provincial legislature, a law was passed that would mandate a special license plate for chronic offenders of the impaired driving laws. This would allow police, but not the general public, to identify those who fall into this category. This is the type of innovative thinking that is required to combat this problem, not the automatic default to mandatory minimum jail time that we so often see.

Also in our province, as I indicated, the case law has grown such that there are sentencing guidelines for impaired driving offences. Those sentencing guidelines require that every single person in Prince Edward Island who is convicted of a drunk driving offence, whether it is at 0.08, 0.16, or whether it is a first offence, should bring their toothbrush, as we say, because they are going to Sleepy Hollow for the weekend, at a minimum.

Here is some relevant background information. The Traffic Injury Research Foundation has found that impaired drivers with a blood alcohol level at 160 milligrams of alcohol per 100 millilitres of blood represent close to 70% of impaired drivers killed in car accidents. According to Statistics Canada, impaired driving is the leading criminal cause of death in Canada.

Let me focus a bit on fatalities. It is estimated that in 2010, 2,500 individuals were killed in motor vehicle crashes in Canada. Mothers Against Drunk Driving Canada estimates that, at a minimum, 1,082 of these fatalities were impairment related. In MADD Canada's opinion, the 1,082 figure is a conservative estimate, due to the under-reporting that results from the inability to conduct alcohol tests on surviving impaired drivers, and from the need to rely on police reports. Moreover, the figure underestimates the percentage of crash deaths that involve drugs, thus the recent sharp increase in driving after drug use was not factored into the 1,082 figure.

Additionally, that 1,082 figure does not include individuals killed in impaired crashes on waterways. It was estimated that there were more 135 boating deaths per year from 2006 to 2008. It appears that more than 50% of those boating deaths involved alcohol and/or drugs. That 1,082 also does not include fatalities arising from aircraft, trains, and industrial vehicles, such as forklifts.

Given the limits on this 1,082 figure, MADD Canada estimates that there are somewhere between 1,250 and 1,500 impairment related crash deaths in Canada each year. That amounts to three to four deaths per day.

I would like to turn now to the matter of injuries caused by impaired driving. In 2010, it was estimated that about 300,000 individuals were injured in motor vehicle crashes. MADD Canada estimates that approximately 64,000 of those individuals were injured in impairment related crashes. That is roughly 175 per day. This figure is limited to motor vehicle crashes only.

There is also information available on property damage. In 2010, it was estimated that approximately 1.7 million motor vehicles were involved in property damage-only crashes in Canada. MADD Canada estimates that approximately 211,000 of these vehicles were damaged in impairment related crashes. That works out to 578 per day.

Finally, there is the financial cost. Using a social cost model, impairment related driving deaths, injuries, and property damage-only crashes in Canada can be estimated to have cost \$20.6 billion in 2010. This model is recent, it is based on extensive analysis, and it was prepared for the Department of Transport.

This bill would meet a positive policy objective. People who drink should not drive. That may seem like a simple suggestion to us here, but far too often, people do drink and then decide that they are okay to drive. This is never acceptable and, on that point, I believe the House is united.

*Private Members' Business*

• (1855)

**Mr. Bob Dechert (Parliamentary Secretary to the Minister of Justice, CPC):** Mr. Speaker, I am pleased to speak to Bill C-590, an act to amend the Criminal Code with respect to blood alcohol content.

I would first like to congratulate my hon. friend, the member for Prince Albert, for bringing this important bill forward. People should know that the member for Prince Albert has served on the agriculture committee, the international trade committee, the finance committee, and many other of the most important committees of this place. He is a great advocate of the Canadian agrifood industry, which he has a great deal of personal experience in. He has represented Canada on the international trade committee and in the travels with the international trade committee around the world, and does a great service to our country in promoting the trade of all the goods and services that Canada produces around the world. He has been, since 2011, president of ParlAmericas, which is a very important organization that represents legislators from all of the countries of North and South and Central America. He has travelled extensively in the United States, Mexico, Central America, and South America on behalf of Canada over the last several years, promoting our trade interests. For that alone, he is to be commended.

I believe that combatting impaired driving is an issue that unites all members in this House, as impaired driving kills and injures more Canadians than any other crime. Every day across Canada, families are devastated by the death or serious injury of a loved one. The pain and suffering caused by this crime makes it essential that we do whatever we can to reduce the incidence of impaired driving. Beyond the obvious social consequences of impaired driving, there is also a substantial financial cost on Canadian society. I note that the Standing Committee on Justice and Human Rights, in a 2009 report entitled "Ending Alcohol-Impaired Driving: A Common Approach", stated:

The average cost of impaired driving crashes in Canada from 1999 to 2006 has been calculated using the Real Dollar Estimate as approximately \$1.9 billion per year. This figure is based on money spent, without considering any social costs. The average cost using the Willingness to Pay model is approximately \$11.2 billion per year. This model includes money spent and a broad range of social-related costs.

Bill C-590 aims to deter the most dangerous drivers on the road, those with a blood alcohol concentration, or BAC, of 0.160 or more. Indeed, the standing committee, in its report, noted:

A study of alcohol use among fatally injured drivers, however, indicates that the bulk of the impaired driving problem lies with those drivers having a BAC over the current Criminal Code BAC limit of 0.08. Among the tested drivers in Canada, 62.9% showed no evidence of alcohol — 37.1% had been drinking, 4.3% had BACs below 0.05, 2.6% had BACs from 0.05 to 0.08, 9.4% had BACs from 0.081 to 0.160 and 20.8% had BACs over 0.160. In other words, 81.5% of fatally injured drinking drivers had BACs over the current limit of 0.08. High-BAC drivers (i.e. those with BACs over 160 mg/100 ml of blood) represent a disproportionate number of fatally injured drinking drivers.

I will repeat that last statistic because it really is quite important: 20.8%, or one in five, of all fatally injured drivers had a blood alcohol concentration of 0.160 or more. Anyone who has such a high BAC has consumed a very significant amount of alcohol. Although it is only an estimate, a BAC calculator on Quebec's *Éduc' alcool* website says that a 180-pound man has to drink eight bottles of beer in an hour to have a BAC of 0.166.

Accordingly, the standing committee concluded:

Section 255.1 of the Criminal Code states that if an impaired driving offence is committed by someone whose BAC exceeded 0.16 at the time [of] the offence..., this will be an aggravating factor on sentencing. This reflects the fact that driving with a high level of impairment (over 0.16 BAC or double the current legal limit) is generally indicative of serious problems. Even if a driver with this level of impairment is being detected for the first time, it is likely that this is a hard-core impaired driver. This is due to the fact that it is rarely the first time they have driven while impaired by alcohol — it is simply the first time they have been [caught]....

• (1900)

Bill C-590 would take dead aim at those high BAC drivers. The bill would create a new straight indictable offence of driving with a BAC exceeding 0.160, punishable by a maximum of 10 years' imprisonment and a mandatory minimum payment on a first offence of \$2,000 plus 60 days' imprisonment, and on a second offence 240 days of imprisonment.

Such high mandatory minimum penalties should cause drivers to give a second thought to how much they are drinking before they get behind the wheel of a car.

Therefore, I urge all members to support higher mandatory minimum penalties for drivers with a blood alcohol concentration over 0.160. Members of the standing committee will, I am sure, want to hear from law enforcement, Mothers Against Drunk Driving Canada, and others regarding whether the proposed new offence and higher mandatory minimum penalties could be made more effective. In particular, there may be an advantage to the over 0.160 offence being a hybrid with penalties on summary conviction that are lower than the penalties on indictment. It is possible that prosecutors will be reluctant to proceed on the over 0.160 charge because of the more onerous procedures on indictment.

Bill C-590 also proposes higher mandatory minimum penalties for an impaired driver who causes bodily harm or death. Currently, subsection 255(3.3) of the Criminal Code provides:

For greater certainty, everyone who is liable to the punishment described in any of subsections (2) to (3.2) is also liable to the minimum punishment described in paragraph (1)(a).

What that means is that the mandatory minimum penalties that apply where there is no death or bodily harm with an offence of impaired driving, driving with a blood alcohol concentration exceeding 0.80, or refusing to provide a breath or blood sample also apply to these offences when there is a death or bodily harm. There is a minimum fine of \$1,000 for a first offence, 30 days' imprisonment for a second offence, and 120 days for a third offence.

It is obvious that these mandatory minimum penalties are unacceptable in these most serious cases. I understand that the courts do not give out fines in death and bodily injury cases. The purpose of these mandatory minimum penalties, when they were originally adopted, was to prevent the courts from imposing a conditional sentence of imprisonment.

As a result of amendments made in the Safe Streets and Communities Act, conditional sentences are not available where the offence has a maximum of 10 years and resulted in bodily harm. Still, it is theoretically possible for a court to impose a fine or a short period of imprisonment when the offence involves bodily harm or death.

*Private Members' Business*

I believe it is appropriate that Parliament indicates to the courts what the starting point should be, but I also believe that these proposed mandatory minimum penalties may not be appropriate in all cases.

Where the bodily harm is relatively minor, for example a broken wrist, 120 days for a first offender is, in my opinion, appropriate. However, there is a danger that we would send the courts the wrong message if we had the same mandatory minimum penalties for both bodily harm and death offences. The courts could conclude that Parliament considers 120 days' imprisonment sufficient for a death. Clearly it is not.

I do not have a view at this time as to what the appropriate minimum should be, but I wish to flag this concern for consideration at the justice committee. I urge all members to support Bill C-590 at second reading. Higher penalties for these offences are long overdue. The standing committee can consider whether improvements on the proposals can be made that the member for Prince Albert has brought forward. He has indicated his willingness to consider those amendments.

For the record, I want to add that there is another reason for a mandatory minimum penalty and that is that justice must not only be done, but it must be seen to be done. The people of Canada need to know that the justice system is working for them. When they see serious criminal offenders walk away from the courtroom and not go to prison, they lose faith in our justice system. When they lose faith in our justice system, then the justice system does not fulfill the purposes that the Canadian people wish it to. For all those reasons, I urge members in the House to support the bill.

● (1905)

[*Translation*]

**Mrs. Djaouida Sellah (Saint-Bruno—Saint-Hubert, NDP):** Mr. Speaker, I rise this evening to contribute to the debate on Bill C-590, An Act to amend the Criminal Code (blood alcohol content).

Today, in Canada, it is a crime to drive with a blood alcohol level of 0.08% or 80 milligrams of alcohol per 100 millilitres of blood. It is a crime under paragraph 253(1)(b) of the Criminal Code. Offenders can be sentenced to 18 months to five years in prison, depending on the nature of the offence.

Bill C-590 seeks to amend section 255 of the Criminal Code to establish more severe penalties for offences committed under section 253. The result of the amendment would be that when the offender has a blood alcohol content that exceeds 160 milligrams of alcohol in 100 millilitres of blood, or double the legal limit, the offender would be found guilty of an indictable offence.

In 2009, the Standing Committee on Justice and Human Rights examined the issue of drunk driving. Witnesses who appeared before the committee made it clear that impaired driving, which can be caused by alcohol, remains the number one criminal cause of death in Canada. The Canadian Police Association indicated that, despite our collective best efforts and intentions, it is apparent that the problem of impaired driving is worsening in Canada and we are losing ground in our efforts to eliminate the problem.

In light of this, the approach of the member for Prince Albert is a step in the right direction. We will support this bill so that it can be

studied in more detail, since we must ensure that these new measures will be effective in putting an end to impaired driving, a problem that costs far too many Canadians their lives each year. Every day in this country, on average, four people die and 175 others are injured in collisions that are directly related to drug- or alcohol-impaired driving.

Other figures back up their statements. Canadian police reported more than 90,000 incidents of impaired driving in Canada in 2011, which is approximately 3,000 more than in 2010. The rate of 260 incidents per 100,000 people was 2% higher than in 2010, the fourth increase in the last five years. Faced with these facts, one cannot help but want to do something to decrease these alarming numbers.

Before we rush into anything, we need to ask the right questions. Will this bill help to eliminate this problem? Is the bill consistent with the Canadian Charter of Rights and Freedoms and Canada's criminal law? Bill C-590, which was introduced by the member for Prince Albert, seeks to make our roads safer by imposing minimum sentences.

I am worried that these minimum sentences are not the way to go. Generally speaking, minimum sentences become the default sentence, meaning that they could become automatic and may be applied to every offender, no matter how serious the crime. Someone who is caught driving with 161 milligrams per 100 millilitres of blood and someone else who is caught with 250 milligrams per 100 millilitres of blood could potentially be given the same sentence. The minimum sentence is 60 days for a first offence. We can expect that type of outcome with the amendment set out in Bill C-590.

● (1910)

I would like to raise another point that came to me as I was reading this bill.

The bill amends section 255 of the Criminal Code to create stiffer penalties for the offence set out in section 253 when the offender's blood alcohol content exceeds 160 milligrams per 100 millilitres of blood. Many families of victims are calling for stiffer penalties for all drinking and driving offences. Why not increase the penalties when the offender's blood alcohol content exceeds 80 milligrams?

Once again, this does not go far enough. This bill is consistent with the Conservative ideology of law and order, the backbone of which is the fight against crime. However, drinking and driving is a problem that must be considered in its entirety, and the discussion around it should not be limited to penalties. We also need to know what effect these amendments will have on the length of sentences.

According to the Traffic Injury Research Foundation, close to 70% of impaired drivers killed in car accidents have a blood alcohol content that exceeds 100 milligrams per 100 millilitres of blood. Will this bill lower that percentage?

*Government Orders*

I have already mentioned the study on alcohol-impaired driving by the Standing Committee on Justice and Human Rights, which emphasized the need to bolster prevention. I am going to emphasize prevention based on the 2011 Statistics Canada report on impaired driving in Canada. This report reveals that one-half of impaired driving incidents reported by police take place at night, between 11 p.m. and 4 a.m., and that the peak is reached after the bars close.

The authorities, police forces and organizations that promote safe driving must continue and even increase their efforts. The goal is not to discourage good drivers and those who are reasonable, but to ensure that every driver always keeps in mind that they must be sober and always vigilant when they get behind the wheel. Drivers have a tendency to be overconfident at 3 a.m.

We must not forget that provincial and territorial road safety laws govern issues related to drivers with a blood alcohol concentration below the allowable limit. Nine out of the 13 provinces and territories impose administrative licence suspensions on drivers with a blood alcohol concentration equal to or lower than 0.05.

In general, provincial and territorial laws are intended as a quick and effective administrative means of reinforcing the Criminal Code sanctions, which are slow to be applied and are not always imposed, even when Criminal Code charges are laid.

Would it not be better to consider a possible amendment to shorten timeframes rather than extend them with sentences and increase fines?

This bill raises many questions. We will support it, but we will focus on the proposed measures to determine if they are a step in the right direction that will effectively address drunk driving.

• (1915)

**The Acting Speaker (Mr. Bruce Stanton):** The time provided for the consideration of private members' business has now expired and the order is dropped to the bottom of the order of precedence on the order paper.

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## GOVERNMENT ORDERS

[English]

### PROHIBITING CLUSTER MUNITIONS ACT

**Hon. Rona Ambrose (for the Minister of Foreign Affairs)** moved that Bill C-6, An Act to implement the Convention on Cluster Munitions, be read the third time and passed.

**Mr. David Anderson (Parliamentary Secretary to the Minister of Foreign Affairs, CPC):** Mr. Speaker, it is great to be here tonight. I hope we have a good debate here tonight. I am not so sure that we did not catch the NDP off-guard a couple of days ago when we did the last stage of discussion of this bill, because it seemed they came up with the same talking points all evening. Its members had about two points. Hopefully, tonight, we can have a broader discussion.

We do want to talk about Bill C-6, which is about cluster munitions. The speech I have here tonight will lay out a good explanation of what Bill C-6 is about, why it needs to be put in place,

and how it would be a good balance for Canadians, for Canadian troops, and for our responsibilities around the world.

I do not think that there is a person in this House who does not share with me the sense that the world would be far better off without cluster munitions. They cause death, injury, and damage wherever they are used, and they can create significant long-lasting humanitarian consequences for civilian lives and for civilian livelihoods. This is because cluster munitions disperse large numbers of smaller bomblets, increasing the risk that some of these munitions will strike non-combatants and that any submunitions that do not explode will cause an ongoing threat to civilian populations and reconstruction.

Munitions can be dropped from an aircraft, or they can be shot out of artillery or out of rockets to attack a variety of targets, such as armoured vehicles or troops. When the munitions release the bomblets, some will detonate, but many do not. The result is small, unexploded submunitions lying on the ground. Like anti-personnel mines, they must be located, disarmed, and disposed of safely before a backyard, family garden, public park, or any other land can be returned to any kind of normal use. The bomblets are, to an extent, even more problematic than land mines, because they scatter at random, which makes them much harder to locate, to identify, and then to destroy.

Today, almost 30 countries are contaminated by cluster munitions from past wars. Some are recent, but in other cases, wars that ended long ago have left a legacy that remains armed and lethal. In countries such as Vietnam, Cambodia, and Laos, for example, cluster munitions dropped more than 40 years ago during the Vietnam War continue to cause deaths and injuries. Similarly, Bosnia, Afghanistan, Iraq, Lebanon, and more recently, Syria and Libya, are also plagued by unexploded cluster munitions used in these recent conflicts or, in the case of Syria, a civil war that is still going on.

Canada has always been committed to protecting civilians from the indiscriminate use of explosive remnants of war. Canada has never produced cluster munitions. I want to point that out because there may be some confusion here later, once the opposition begins speaking. Though we have had them in our arsenal in the past, we have never used them in our military operations. That needs to be understood as well. That is why we have no problems in getting rid of cluster munitions stockpiles in our possession, even before ratifying the convention.

It was only logical, therefore, that we played a leading role in the negotiations that resulted in the Convention on Cluster Munitions in 2008. The convention itself prohibits the use, the development, the production, the stockpiling, and the transfer of cluster munitions. I want to go through that list again. It prohibits the use, the development, the production, the stockpiling, and the transfer of cluster munitions. Canada is already in the process of implementing the convention. Some of its requirements will require the domestic implementation of legislation before Canada can ratify, which is what Bill C-6 is here to do.

*Government Orders*

The Government of Canada will be committing itself to refraining from making, using, stockpiling, or transferring cluster munitions. Again, that needs to be made clear before the debate goes any further. I will repeat it. We are going to refrain from making, using, stockpiling, or transferring cluster munitions. The bill would make it an offence for individual Canadians to do the same. This is the last major requirement here in Canada before we can ratify the convention. I urge hon. members to support it, so that we can take our place among the growing community of states parties that have renounced these weapons.

The bill also reflects important compromises that were made during the negotiation of the convention in order to ensure that the legitimate defence and security interests of the countries that are party to the treaty are upheld. We would much prefer a world in which all of our allies joined the convention, but the reality is that we are not there yet. Given this situation, Canada and others had to find a way to negotiate a strong treaty, while at the same time remembering that we need to continue to co-operate with some of our closest military allies who may not soon be in a position to join it.

This is in contrast with what I heard one of the official opposition members say the other night, that we just should not bother to co-operate at all with the United States. That is a position that is completely impractical, but the NDP members seemed to think that they could embrace that.

● (1920)

The Canadian Armed Forces work closely with our allies, especially the United States. Our national security depends on that co-operation. Canadian soldiers, sailors and air personnel regularly join with their American counterparts in training and combat. We exchange personnel so that each of us is closely familiar with the operational procedures of the other.

The United States has not joined the convention and while Canada will continue to urge our American friends to do so, it is necessary for us to collaborate in a manner which will respect our new obligations on the one hand, while also respecting our obligations to our close ally on the other.

In order to allow countries and their military forces to co-operate with one another, article 21 was included in the convention. However, the armed forces of a state party cannot co-operate with those of a non-party state if the activities involved are a crime for their individual members. I think that is obvious.

In order to allow Canadian Armed Forces personnel to continue to work, train, fight and co-operate with their American counterparts without the risk of individual criminal liability, under this bill, the principles that are in article 21 of the convention must also be reflected in Canadian criminal law.

The bill would do this by creating specific new offences that would apply to everyone in Canada and then by excluding from those offences personnel who co-operate as permitted by the convention. Such individuals must generally be Canadian officials or members of the Canadian Armed Forces. They must be engaging in permitted forms of military co-operation and that co-operation

must be taken with members of armed forces of state that is not a party to the convention.

One of the important benefits of article 21 is that it allows countries that wish to join the convention to do so without having to give up military co-operation with those allies that have not yet become state parties to the convention.

It was essential that the treaty permit this kind of co-operation between the militaries of countries that have joined the treaty and the countries that have not. Without such provisions, many countries that wanted to address the impact of cluster munitions by joining the treaty would likely not have done so. Instead, with the inclusion of article 21, countries are not forced to choose between working with their allies in the interest of broader peace and security and their efforts to do all that they can to get rid of the scourge of cluster munitions.

Indeed, article 21 enables more countries to join the treaty, thereby moving us much closer to the eventual elimination of these munitions.

While some may not like the provisions of article 21, it represents a negotiated compromise between states, and it forms an integral part of the fabric of the convention.

Clause 11 of this bill, which we are addressing tonight, implements the terms of article 21. Clause 11 would ensure that Canadian Armed Forces personnel would be able to continue to work with the American armed forces or any other allied non-party state, such as Turkey, Israel or Poland, all states that have not signed on yet. That includes by joining their military units on exchange without exposure to criminal liability.

I need to point out that Canadian Armed Forces members will never be permitted to directly use cluster munitions at any time. If people hear anything different later tonight, that will be an attempt to mislead and misdirect people to what is the actual reality of this bill and the treaty.

A Canadian Armed Forces order will be issued to ensure this. However, given concerns that were raised in relation to clause 1, at committee we were able to work together and the government agreed to an amendment that was unanimously adopted. The amendment would ensure what the government had intended all along, and which the Canadian Forces order will reinforce, and that is that members of the Canadian Armed Forces may never directly use cluster munitions at any time, even when they are on exchange with a non-state party's military unit.

The Canadian Armed Forces order will reflect all of the requirements of Bill C-6 as ultimately adopted by Parliament. In addition, and going beyond the requirements of the convention, the order would also prohibit the transport of cluster munitions aboard carriers belonging to or under the control of the Canadian Armed Forces. It would further prohibit Canadian Armed Forces members on exchange with states that were not party to the convention from instructing and training in the use of cluster munitions.

Most of the requirements of the convention do not require domestic legislation. Bill C-6 only implements the requirements that make it a necessity. For example, the convention requires Canada itself not to develop, stockpile or use prohibited munitions. We have not, we will not develop them and we will not use them. Also, no legislation is needed to destroy the stockpiles that we do have. The government can do that on its own.

However, the treaty obliges Canada to extend these prohibitions to private companies and individuals in Canada by enacting the necessary criminal offences. It is these offences, along with the supporting definitions and exclusions, that form the core of Bill C-6.

● (1925)

The bill would make it illegal for any person or organization in Canada, and members can go through the list as it is extensive, to develop, produce, acquire, use, stockpile, retain or transfer cluster munitions. It would also make it a crime to aid, abet or counsel someone else to do these things, even if they were done in a country where cluster munitions were not illegal.

This expansion of Canadian criminal law then makes it necessary to exclude individuals within the Canadian Armed Forces and other public officials for scenarios in which they engage in the forms of military co-operation that are permitted by the convention.

One of the long-term challenges of this convention will be its full international acceptance or its universalization. If we really want to rid the world of the scourge of cluster munitions, we need to ensure that as many countries as possible sign and ratify the treaty and, more important, that they fulfill their obligations to destroy all stockpiles of these weapons. Ideally, all countries of the world would join the convention. However, until that day arrives, it is important for all of us who believe in this treaty and its goals to continue with those efforts.

The Government of Canada is committed to doing just that. Of course, we are not alone in encouraging other countries to join the convention. Many of our friends and allies, like the U.K., Australia, France, Germany and others, are also working hard in this regard, as all parties to the convention are expected to do.

As I have already noted, the United States has not joined the treaty and may not do so any time soon. Canada accepts that other countries are and should be free to make their own decisions on what international obligations to sign onto, but we nonetheless will continue to encourage the United States and others to support this historic and important treaty.

I know that all members in the House, like me, are anxious for Canada to complete its ratification of the treaty. As soon as the bill is enacted, Canada will be able to take the next step to ratify the Convention on Cluster Munitions.

The government has already begun fulfilling its future commitments to do away with the cluster munitions under its control. As I have said, the Department of National Defence has destroyed the vast majority of the former stockpile of cluster munitions and hopes to finish that destruction process by the end of this summer.

Internationally, Canada has participated actively in the first four meetings of state parties to the treaty in order to encourage its

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universal acceptance. We have also voluntarily submitted annual reports on our implementation of the treaty. Once we have ratified it, the commitment to submit annual reports will become a legal obligation.

These reports, which each state party must submit, show the rest of the world what each country is doing to get rid of cluster munitions. They will also explain what countries are doing to clear contaminated areas and rehabilitate victims. Canada believes that such reporting is important and necessary to ensure that all countries are meeting their obligations, and that is why we are already voluntarily providing these reports.

Finally, hon. members should be aware that Canada is also helping some of the nearly 30 countries that are contaminated by cluster munitions to clean up these explosive remnants. Since 2006, we have contributed more than \$215 million to Mine Action projects around the world, which address the problem of explosive remnants of war, including cluster munitions.

For example, Canada has provided funding for projects in Laos for education on the risks of cluster munitions and for the clearance of those munitions. We have also provided funds to Bosnia and South Sudan to clear cluster munitions still lying around from the recent civil wars.

In November of last year, the hon. Minister of Foreign Affairs announced that the government would give an additional \$10 million over 18 months to do even more to clear mines and cluster munitions to help victims of weapons and to educate local populations to be more aware of the risks.

In conclusion, I know hon. members on all sides of the House share my concerns about the tragic humanitarian consequences of these weapons. I urge all hon. members to support the bill so it can be enacted as quickly as possible and allow Canada to ratify the treaty and do our part to get rid of cluster munitions around the world.

● (1930)

[*Translation*]

**Mr. Dany Morin (Chicoutimi—Le Fjord, NDP):** Mr. Speaker, 98% of cluster bomb casualties are civilians. That is why the world wants to ban these weapons.

Why does my colleague opposite not feel guilty about the fact that his government is collaborating and participating in missions with people and governments that use cluster munitions?

[*English*]

**Mr. David Anderson:** Mr. Speaker, I am not sure if my colleague listened to my whole speech, but Canada has taken a strong position against the use of cluster munitions. We have never used them, we never intend to and we will forbid our troops from doing so.

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However, we also need to continue interoperability agreements with other countries for a number of reasons. One reason is that we need to work militarily with them. A second reason, specific to this convention, is that we believe by working with these other countries we can hopefully convince them that they should sign on to this treaty as well.

The sooner we can get rid of these weapons around the world, the better off we will be. We are committed to help get rid of these weapons in places that are polluted with them. The minister was in Laos and was strongly impacted by what he saw. Therefore, we have made the commitments, which I mentioned in my speech, to try to deal with this issue around the world.

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Speaker, I am glad to have a chance to speak to the cluster munitions bill again tonight and to put a question for my friend, the hon. parliamentary secretary.

We had a fairly unfortunate debate on a previous occasion in this place where there was what I tend to call a dialogue of the deaf. Some MPs were claiming that because Bill C-6 was very weak, and, in my view, unacceptably weak, the current administration did not care about getting rid of cluster munitions or about the children who had been injured by them. I reject that totally. I know that the hon. member and everyone in the House do not want cluster munitions to be used.

I want to preface my question for the parliamentary secretary by saying that I accept everything he has said. This bill is supposed to implement a cluster munitions treaty, which means that Canada is on record as being opposed to the use of cluster munitions.

My questions are very specific.

First, why has the administration failed to take the steps that should have been taken in this bill, as our other allies have done, to ensure that investment in cluster munitions is specifically prohibited.

Second, when the interoperability sections were created, why was the same language not used as is in the Ottawa land mines treaty bill, which is much more restrictive and does not allow as many loopholes as does the language we find in this legislation?

• (1935)

**Mr. David Anderson:** Mr. Speaker, my colleague has asked a couple of questions and hopefully I have enough time to respond to them.

One reason we do not use the term “investment” is because it is seen as too broad. The convention is written in a particular language and each country then has to put it into the language of its legal system in order to make it fully applicable. The word “investment” is not used because it is a broad term. It would be covered, as I mentioned earlier, under things such as counselling and aiding and abetting. Those are wrapped up in that. We are not permitting people to invest in cluster munitions, and I think the member opposite can be comfortable with that position.

In terms of the Ottawa convention, these are two very different treaties. One of the differences lies, in a practical sense, in the way that the munitions are used tactically in operations. This one is used in a wide variety of situations, typically planned and unplanned. If

we had adopted the exact approach of the Ottawa convention, it certainly would have undermined the Canadian Forces' ability to effectively participate in joint military operations, interoperability and those kinds of things.

We did not believe that we should risk our national security and defence interests. We think this provides a good balance. It provides the leadership that Canada insists we show to the world in wanting to get rid of these munitions. At the same time, it allows us the interoperability that we need with our partners.

**Mr. Jeff Watson (Parliamentary Secretary to the Minister of Transport, CPC):** Mr. Speaker, I listened closely to the member's intervention. Obviously, this bill would help Canada fulfill its important commitments with respect to international protocols without binding us from our own unilateral action to exceed the intent of such a protocol.

The member noted that the United States was not a signatory to that international protocol. Would he discuss how Canada might appropriately engage the United States, to bring it along, and whether this bill in some way would allow us to do that?

**Mr. David Anderson:** Mr. Speaker, I should point out that we were not the only country that expressed the need to protect the concept of interoperability between the parties that were signing on to this and the ones that did not. Other countries such as Australia, the Czech Republic, Denmark, Finland, France, Germany, Italy, a whole list of other countries understood that this was an important concept within the realm of this convention.

I should take a couple of minutes to point out the reality of what would be expected if we were to rule out interoperability or if we were not to protect our troops. For example, there would be a risk in operational planning. Our men and women of the Canadian Forces participate in the strategic planning of things like air campaigns. They work in the headquarters of multinational operations. If there were no clause 11 in this bill, it would actually prevent Canadians from any involvement in the planning of and working on missions.

Second, I can describe a situation. I think that as soon as I bring it down to this level, members will understand why there is the necessity. For example, a team of 30 Canadian soldiers are guarding a school of young girls and boys in Afghanistan when they come under armed attack by Taliban terrorists. They call in air support from the United States forces to protect them. In a combined operation, they do not know in advance which plane can come to their rescue and what payload that plane will be carrying. When they are told that, the question is this. Would we want Canadian soldiers to volunteer to die, which they may do if we are prohibited from using the air support that would show up, or would we sooner have air support from a close friend and ally such as the United States?

• (1940)

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapusksing, NDP):** Mr. Speaker, on this side of the House, we actually tried to work quite closely with the government and civil society groups to address the problematic areas in the bill, and yes, there was one amendment. However, it certainly is not enough.

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Earl Turcotte, who was the former senior coordinator for mine action at DFAIT and was also the head of the Canadian delegation to negotiate the convention itself, actually said:

...the proposed Canadian legislation is the worst of any country that has ratified or acceded to the convention [on cluster munitions], to date.

It fails to fulfill Canada's obligations under international humanitarian law; it fails to protect vulnerable civilians in war-ravaged countries around the world; it betrays the trust of sister states who negotiated this treaty in good faith, and it fails Canadians who expect far better from our nation.

Here is someone who negotiated the convention who says that clause 11 has to be removed to ensure that we have a good piece of legislation, and we have a government that continues to turn a blind eye or a deaf ear to the changes that would actually make it a much better bill.

I am wondering why it is that the Conservatives always put forward bills that have problematic areas in them. We have seen it with Senate reform, with the prostitution law, with the safe injection sites, and with the decision about Justice Nadon. Why is it that the Conservatives are not willing to work effectively with the opposition to ensure that we come to an agreement on a bill that would actually work for Canadians and for the international community as a whole?

**Mr. David Anderson:** Mr. Speaker, I guess we have been on both sides of this equation, as far as being able to work with the opposition, because at committee, we were able to work together. There were primarily two issues that came into focus. One was the interoperability agreement, and the other was a concern about the word "use" in the bill. We were able to reach agreement on the amendment to the word "use". I see that my colleague from Ottawa Centre from the foreign affairs committee is here tonight. He was one of those people we worked with. He gave his support to the motion and gave credit to the international effort to fix the bill and to the co-operation we had at committee.

On the side of usage, we were able to work together. We had no intention of having Canadian troops ever use these munitions anyway.

On the other side, on the interoperability agreement, we have a basic agreement with the NDP. In this situation, to have the convention ratified, the clause was put in the convention. In order for our bill to go forward, clause 11 will be part of the bill, because we understand that there needs to be a balance between the humanitarian effort to rid this planet of cluster munitions, and on the other hand, the opportunity to protect our soldiers as they go about doing their jobs to protect us.

**Mr. Paul Dewar (Ottawa Centre, NDP):** Mr. Speaker, I rise today to debate at third reading of Bill C-6. It has had a rather long history. In fact, it goes back to a bill we had before the last prorogation of Parliament. It was actually a Senate bill. Just to remind people, this is a bill to implement an international treaty. At the time, I was deeply concerned that we had a pattern of having bills as important as Bill C-6 being initiated in the Senate. I say that because it is important that we are the ones to initiate legislation in the House.

However, we had a prorogation. The government actually did bring the bill back to the House of Commons, which is important. I had expressed my dismay and concern about the fact that it had its origins in the Senate. I had talked to the Minister of Foreign Affairs,

as was already intimated by my colleague on the foreign affairs committee, the member from Saskatchewan. It was a matter of trying to convince the government that the Senate bill was problematic.

I went to the government and said that clause 11 was a problem. We have gone over this many times in the House. The person who actually negotiated this on behalf of the government said that the bill was flawed. This was not the opposition saying this. This was actually someone who negotiated the international treaty. To give some context, we send our brightest and most competent people to negotiate treaties on our country's behalf. As has been mentioned, the person who did that on behalf of our country looked at the bill and said that it undermined the integrity of the treaty we signed.

When we sign treaties, that is the first step. Then we have to implement them, because otherwise they are just a signature on a piece of paper. The implementation of the treaty is the bill we have, and it is absolutely critical to get it right.

I went across the aisle and talked to the Minister of Foreign Affairs and told him that this was a problem, particularly clause 11. I noted the fact that our own diplomat who negotiated the treaty had a problem with it. The minister listened, and I waited to see what response there would be. This was a Senate bill, remember. Sadly, the bill stayed put. The Conservatives did not change it, so it became a controversy not just here in Canada, as I will outline in my speech, but in the international community. This is not just about the opposition critiquing the bill. It is about what the international community is saying about the bill. It is about what our very own diplomats who negotiated the treaty are saying about the bill, which is that the bill is problematic.

It is worth noting that after almost two years of trying to engage the government to amend the bill, the Conservatives did allow one amendment. It is important to note that since 2011 I can count on one hand the number of times the Conservatives have accepted amendments.

It took a very long time to get a small amendment. It is absolutely true that I tried to work with the government on this. However, the amendment it brought forward was not enough to deal with the issues we have with the integrity of the bill as juxtaposed with the treaty.

It is very important to lay that out, because it shows that the government, first of all, took a long time to get the legislation going. We had signed the treaty. It took a couple of years to present legislation. At the same time, other countries that had signed the treaty had ratified it. It was put in place, and they were moving forward.

This is really important, because right now, as we speak, cluster munitions are being used in conflict. We are having to catch up, just like we had to do with land mines.

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● (1945)

These are heinous munitions. It is difficult to understand how people contemplate these forms of munitions. Unlike land mines, which are planted in the ground, cluster munitions actually fall from the sky, and when they land, they explode with bomblets right across the terrain. No one is able to actually track them. Land mines are a bit different. We can find out from enemy combatants where they are planted. With cluster munitions, that is not the case.

The majority of victims, as we know, are civilians. Too many of them are children, because often children mistake them for toys. The Minister of Foreign Affairs said this himself. He was very moved when he went to Cambodia and heard testimony. I gave this testimony last time we debated the bill. Kids actually take these back to their homes and go to play with them, and they blow up. They remove limbs and also take lives. These are heinous things. We have to get this right.

The government took its time bringing legislation forward. It tried it in the Senate and prorogation ended it. The same is offered here, after I went to the government.

What were some of the concerns? They have been enumerated numerous times, but I want to give a critique, not just from me but from the international community, on Canada's legislation for the implementation of an international treaty. There are a couple that are worthy of noting. We have noted them before, but they require repetition.

Let me quote first from our friends from Norway, who were responsible for helping to get this treaty together. The Norwegian ambassador, Steffen Kongstad, whose country holds the presidency for the actual process of the treaty, said:

We would normally not comment on the internal process in other countries. But I can say that we would not present such a law in the Norwegian parliament. It seems somewhat inconsistent with the purpose of the convention.

I do not think I have to tell members that diplomats speak diplomatically. When a diplomat who is in charge of the overall integrity of the treaty says to one of the member states that is a signatory to the treaty that he would not actually bring this forward to his own parliament, that is a very strong, direct signal from a diplomat. It is basically saying, "You got it wrong. You need to change it." It is important to note that.

The Red Cross is another international voice we have heard from. Again, it is very rare. It is in the mandate of the Red Cross that it does not comment on a country's activities, behaviours, et cetera, because it undermines the integrity of the Red Cross. It is to be objective. It was actually the Red Cross that cited our legislation as not being sufficient, as undermining the treaty.

It is perplexing. Many people are asking how clause 11, on interoperability, happened. We have had this debate back and forth between the government and members of my party about why we had to have this. Other countries and people who helped negotiate and implement this legislation are actually saying that it is not the case. We can have interoperability and still ensure that none of our forces, diplomats, or anyone involved in the theatre of war would have anything to do with cluster munitions. The government says we

cannot do that but then says that we will never use them. It has an inconsistency in its argument.

The question is how we got here. I would argue that it is the way the government does policy, particularly on international affairs. What we learned after we heard from the former diplomat who actually negotiated the treaty was that after the treaty was negotiated and the government signed the treaty, it went to implement it. Who did the government go to exclusively? It went to the Department of National Defence. It should consult the Department of National Defence. It is very important. There is expertise. We heard from the department at committee. It was extraordinarily important to hear from it, because it has to know how to implement the actual legislation in theatre. However, what was astonishing, and it is a pattern with the government, was that it was not consulting the Department of Foreign Affairs.

● (1950)

It is astonishing. Here is how I understood and still understand the way things should work when it comes to international treaties, particularly around conflict. It is the role of the diplomats to negotiate these treaties, and it is the role of our diplomats and our Minister of Foreign Affairs, who is the top diplomat in cabinet, to look at how to implement legislation. He or she should be going to the department and seeking out the best advice from experts in diplomacy on how we implement a treaty in legislation.

That did not happen. What we had instead was the Department of National Defence having the first go at it, and we ended up with this clause 11. That's nothing to say against the military; it protects itself. We know that. That is what institutions and departments do.

What the department did was that it put in clause 11 in the bill, after section 22 of the treaty, which talks about interoperability. It was pretty clear, and I actually asked for an amendment to lift section 22 out of the treaty and to put it into the legislation. Then there would have been an absolutely direct connection between the treaty and legislation, by cut and pasting that treaty section. However, they did not do that. What they did was put in clause 11.

Clause 11 actually states, and part of this was changed through the amendment process, that Canadian Forces personnel could use cluster munitions. I say that, and most people think it is unbelievable that we would sign a treaty banning the use of cluster munitions, but then have in the implementing legislation of that very treaty a clause that would put Canadian Forces personnel into a situation where they could use cluster munitions.

We can see the inherent contradiction and paradox within the legislation. Why did the government do that? We heard from the former Chief of the Defence Staff, General Natynczyk, who said that this was very important, that there had to be clarity of purpose and direction when doing joint operations with our friends in the States. I could not agree with him more. It is true.

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However, it does not preclude our having different protocols. Why? Well, when I and others were in Afghanistan, we knew on the ground that there were different caveats for different operations. They were clear. In fact, in ISAF's mandate on how it worked on the ground in Afghanistan, there were caveats for different forces who made up the international security forces in Afghanistan. They are caveats, different ways of operating in the field.

There should not be too many caveats, because they can undermine the coherence of a mission. However, we have them. The general knew that. However, he was able to get the government to put in what he wanted. What he wanted was clear: it was to have an exemption for the Canadian Forces in the case of interoperability and a scenario with the Americans where cluster munitions were used.

It is very important to note all of these facts: where the bill came from, who negotiated the bill, and the fact that we had this section 11, which the Red Cross and the diplomats who helped negotiate it for Canada, and Norway, which was responsible for the overall framework of the agreement, all said the same thing about. I will add here, just for good measure, because I know that the Prime Minister is a fan of Australian prime ministers, that we had a former Australian prime minister with the same party leaning as the Prime Minister saying this was a flawed bill.

If we put that all together, what do we have? It is a flawed bill that undermines not only the integrity of the treaty but also our reputation as a country, because our signature is on the bill. It is the legislation we are implementing.

All of these things come together with the following result. Let me read into the record what we were able to negotiate with the government as an amendment. We negotiated paragraph 11(1)(c), which would have allowed, as I was just explaining, the Canadian Forces to use cluster munitions. It is true that the government took that out. That has to be acknowledged, but what was left in there was the rest of clause 11, after it was amended. The government listened to us and took out one part of section 11, which would have allowed Canadian Forces to use cluster munitions. This inherent paradox was taken out. However, they left in the following:

- (1955)

Section 6 does not prohibit a person [in the forces]...in the course of military cooperation or combined military operations involving Canada and a state that is not a party to the Convention, from

(a) directing or authorizing an activity that may involve the use, acquisition, possession, import or export of a cluster munition...

What that means in English is that we could have the Canadian Forces directing an operation using cluster munitions. Let us put forward a scenario: I have cluster munitions and I am in the Canadian Forces. Before, the exemption allowed the Canadian Forces to directly drop the bomb. Now, according to what we still have and what is problematic in the bill, we could direct another force to drop cluster munitions.

That is the first problem that we have with the bill. We are glad that they took out the part that the Canadian Forces shall not use them, but directing or authorizing activity for others to use them is still problematic. It is a matter of accountability.

Yet again, there is another problem with clause 11. It refers to the Canadian Forces "expressly requesting the use of a cluster munition". Again, directing the use of cluster munitions is allowed by the Canadian Forces, and in paragraph (b) of clause 11, they can request their use. They can ask someone to bring in a raid and drop cluster munitions on a certain target if it is for the Canadian Forces. It makes no sense. We are saying this is a treaty to ban cluster munitions, but in clause 11 we are saying it is okay for the Canadian Forces to direct or request the use of cluster munitions.

Here is the part that I find fascinating. When this point was made to the government time and time again by me, the International Committee of the Red Cross, the former prime minister of Australia, other experts, and the diplomat who negotiated this treaty, the government said that it was true that it would allow the Canadian Forces to use cluster munitions, that there was an exemption here. However, here is the caveat: the government said that it would direct, through the Chief of Defence Staff, the banning of the use of cluster munitions.

This is fine, but it is simply a promise. We are talking about legislation to follow a treaty. We have a massive loophole like this, and the government is covering it by saying that it would direct our Chief of the Defence Staff to tell our forces that we shall never use them. Members can see the contradiction. Why would we not put it into legislation to ensure that there is no scenario where Canadian Forces would use cluster munitions?

This gets into the most important argument, which is the debate that we had at committee and which is still happening outside Canada in regard to our reputation in implementing the treaty. As my colleagues already mentioned, it is the worst legislation of any signatory to the treaty.

The government says that because of interoperability, it does not really want to put in these exemptions but that it has to because of the nature of our relationship with the United States. Other NATO countries can have interoperability, according to section 22 of the treaty, and follow it, which is what we hoped and negotiated for. However, we are Canada and we are special, so we must have these loopholes.

Here is the problem. In the case of Afghanistan, as I already mentioned, we were there with the Brits, the Dutch, and others who are signatories to the treaty. They do not have this exemption. They have interoperability with the Americans.

The fact of the matter is, and my colleagues know this, that we can be explicit as to what we will be doing in the field, be it through caveats or joint training. If we are doing joint training, it is pretty obvious that we would be using the opportunity in our joint training with our American friends to say that they know that we have signed this treaty, here is the legislation, here is what we will be doing to make sure that Canada, in joint operations with our friends in the States, will not be using cluster munitions in theatre. We have already done this with land mines.

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Let me finish with this. We got the government to make one amendment, but it is clearly not sufficient when the government is still allowing troops to guide and request the use of cluster munitions. That is why clause 11 must go. That is why we will oppose this bill.

• (2000)

[*Translation*]

**Mr. Dany Morin (Chicoutimi—Le Fjord, NDP):** Mr. Speaker, I was touched by my colleague's remarks, particularly when he talked about children playing with unexploded cluster bombs. Unfortunately, they do not understand that these are dangerous weapons than can kill or maim them.

I would like my colleague to tell us more about the human tragedy happening in conflict zones where civilians find unexploded cluster bombs near their homes even after the conflict ends. Unfortunately, young people are being killed.

[*English*]

**Mr. Paul Dewar:** Mr. Speaker, let me just give my colleague this response, and to read it into the record for the House. The following is stated in an article about the ongoing conflict in Syria:

Cluster munitions were used in Syria in areas with a high population density.

We know about the barrel bombs, but they are using cluster munitions as well. The article continues:

On March 1, 2013, they were used in a residential neighbourhood at 11:30 a.m., when children were playing outside in gardens. The attack exacted a heavy toll: at least 19 people were killed and 60 were injured. The unexploded cluster munitions will continue to pose a lethal threat to civilian lives for years to come.

That is the point. When these bomblets are dropped, there is an explosion on impact, but the bomblets fester and stick around and children pick them up. They the children are maimed or killed. That is why we have to be absolutely resolute to do our best to ensure that these munitions are banned.

• (2005)

**Ms. Peggy Nash (Parkdale—High Park, NDP):** Mr. Speaker, I thank my colleague from Ottawa Centre for his excellent presentation and for all of the work he does on foreign affairs. He is widely recognized as someone having a great deal of expertise, and we thank him for that.

On the bill at hand on cluster munitions, New Democrats support a treaty to ban cluster munitions. These are terrible weapons that overwhelmingly impact civilians, and especially children, as my colleague has so eloquently described, yet, as he detailed, this Conservative legislation to implement the Convention on Cluster Munitions is widely recognized as the weakest and worst in the entire world. In other words, Canada has become an embarrassment when it comes to the issue of having effective legislation to implement the treaty on cluster munitions.

My question for my colleague is this. With this weaponry that overwhelmingly targets civilians, especially children, can he advise the House why the Conservatives, who say their government supports families and children, would want to undermine a treaty that would save the lives of children around the world?

**Mr. Paul Dewar:** Mr. Speaker, I will start with a very quick story. When the Minister of Foreign Affairs returned from his trip to

Cambodia, he was very moved. In fact, at committee he brought replicas of cluster munitions in. He spoke about talking to witnesses and seeing the effects of these cluster munitions, so I do not understand why the government would bring forward legislation with these loopholes.

I believe the Conservatives want to ban these and get rid of them. The question is how we do it. If we bring forward legislation with loopholes, it will undermine the integrity of the treaty. That is important because these treaties do not work unless we have legislation that works.

If I may, I would finally just say that it is indicative of the current government, though, when its members do not go to the right people to get advice.

While I am on my feet, I will note that we still have not signed the Arms Trade Treaty, without really any logic at all. The Conservatives say it is because they are protecting duck hunters. We actually just heard from duck hunters and they support the ATT, according to the news from last week.

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Speaker, I want to start across party lines by saying how indebted I think all of us in this House should be for the consistent dedication and commitment from the member for Ottawa Centre, who is such a champion on these issues. I look to him for leadership on these issues, across green to orange, and I make no bones about that. We all should be in his debt. I am.

The member has really cast the light for me to understand what went wrong here. I have been struggling to understand how the bill could be this bad when I believe the intentions are actually good. This goes to what the member just explained, which I had not heard before, that the course of the bill started in the wrong place. Instead of going to the Department of Foreign Affairs, it went to the Department of National Defence. That is why we have legislation before us that falls so far short of what Canadians would want of our government to end the scourge of cluster munitions.

I thank the member for that explanation. I would ask him to expand on it.

**Mr. Paul Dewar:** Mr. Speaker, I thank my colleague for her engagement as well, and for the amendments she put forward, which we supported.

In fact, there is a history here. I remember talking to former Prime Minister Clark about this not too long ago. He was at committee a couple of years ago. There was a notion when it comes to international treaties on arms control, et cetera, that we do the best we can with all hands on deck, to have the best and the brightest, the most professional people advising us. This is where the government has gone down the wrong road.

The Conservatives have looked at international treaties and have seen them as perhaps barriers or as undermining our sovereignty. I note that this is an issue right now with the Europeans. The strategic partnership agreement has not been signed, and perhaps it is getting in the way of the CETA.

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The government should look back at when Canada had its biggest wins on the international stage. It was when all parties, and all departments if I may, as well as experts were providing their best advice so that we came up with the best legislation for international treaties.

Make no mistake: we have differences on domestic policy; I get that. However, when it is an international treaty, we should have the best minds looking at it. When we are being critiqued by the Red Cross, by former prime ministers of Australia, we are not doing our best.

● (2010)

**Mr. Don Davies (Vancouver Kingsway, NDP):** Mr. Speaker, I think it is always a difficult question for members of this House when we are presented with a flawed bill, and we have to ask ourselves whether a flawed bill is better than no bill.

I am looking at this bill. All members of this House, including the Minister of Foreign Affairs, has described cluster bombs as a horrific weapon. There is no question that this weapon is something that all right-minded people in civilized countries of whatever stripe, from the left, right or centre, all agree are weapons that simply should not and cannot be used in this world.

We have agreed as a country in this treaty that Canadian soldiers will not use these weapons. However, my understanding is that, through the loopholes that our government somehow led and negotiated, Canadian soldiers would still be allowed to acquire, possess or transport cluster munitions when they are acting with other non-party states because of the concept of interoperability. In other words, it wants to allow Canadian soldiers when we are working with countries that will not sign this treaty to keep using them.

We have this concept in our law about being an accessory. If using a horrific weapon is wrong, how can being party to transporting or facilitating the use of that weapon by someone else not be equally as wrong?

**Mr. Paul Dewar:** Mr. Speaker, my colleague, in asking that question, is showing his legal background.

This is an important point, because when we are considering legislation and the implementation of a treaty, if we are putting in loopholes that actually undermine the treaty, we can be an accessory to something we are trying to actually avoid. The member is absolutely right to note this.

We are flummoxed on this side as to why the government would go down this path under the guise of interoperability. Everyone knows that the section in the treaty, which was negotiated by a Canadian particularly to get it right on interoperability, is there in the treaty. All we had to do was cut and paste it, but the Conservatives decided not to do that. Instead, they put loopholes in, and that is very unfortunate.

**Mr. John Carmichael (Don Valley West, CPC):** Mr. Speaker, I am delighted to have the opportunity to join this debate tonight.

I want to begin by thanking and congratulating all the members of the committee, who I believe did an exceptional job of pulling this bill together and giving us a bill that we in this government should be very proud of.

As members well know, cluster munitions can be delivered by aircraft, rockets, or artillery shells. Rather than detonating on impact, they open beforehand and spread a number of smaller bomblets over the target area. There are variations intended for use against different kinds of targets, but all of them are capable of causing tremendous damage. Because they can strike a large area, there is a greater risk that non-military targets or non-combatants will be hit. With some types, especially those which contain large numbers of small bomblets, any remnants that do not detonate as intended can remain lethal long after the conflict itself has ended.

If the bomblet explodes later, the result is devastating, with victims sustaining horrific injuries or even being killed. The unacceptable harm to civilians caused by cluster munitions was the motivation for negotiations on a treaty to address these weapons. After three years of sometimes difficult negotiations, the Convention on Cluster Munitions was adopted in Dublin in May 2008. The convention entered into force in August 2010. It builds on and complements other international agreements that address weapons that are prone to having indiscriminate effects. The convention prohibits countries that ratify it from using, acquiring, developing, retaining and producing cluster munitions, weapons that continue to kill and maim innocent people long after wars have ended.

It also prohibits them from assisting or encouraging anyone to engage in any of those activities. The convention entered into force in August 2010. Canada has already taken concrete steps to fulfill its future commitments under the convention. Canada has never directly used cluster munitions and even though we have not yet ratified the convention, we have already committed not to use them in the future either. Canadian companies have never produced these munitions, and while Canada does not have an existing stockpile, the Department of National Defence has already removed cluster munitions from operational stocks and they are in the process of being destroyed.

Canada is also active in promoting the universalization and implementation of the convention with international partners. It has voluntarily submitted annual transparency reports under the convention. Canada has contributed more than \$215 million since 2006 to mine action projects which address the impacts of explosive remnants of war, including cluster munitions.

During his visit to Laos on October 15, 2013, the hon. Minister of Foreign Affairs announced \$1 million in Canadian support for two projects aimed at clearing unexploded ordnance in Laos, the most heavily contaminated country in the world in terms of cluster munition remnants. Hon. members of the Standing Committee on Foreign Affairs and International Development will recall that the minister undertook to set aside \$10 million over the next 18 months to continue Canada's proud tradition of support to demining efforts, victim assistance and risk awareness programs. All of these activities are being implemented before Canada's ratification of the convention.

*Government Orders*

Only a small part of the convention actually requires legislation, and in keeping with its commitment, the government is now proceeding with this element to complete the package. The prohibiting cluster munitions act would fully implement the legislative requirements of the convention and its enactment by Parliament is the only major step that must still be taken before Canada can ratify the convention and join other states parties in working toward its full global acceptance and implementation.

For this treaty to be effective, as many countries as possible must join it and ensure that its provisions are enforced. Ideally, all countries will join, ensuring universalization of the treaty. To date, 84 states parties are already bound by it and another 29 states have signed it. If the bill before us becomes law, Canada can then take the final steps and ratify the convention.

● (2015)

The government is committed to do all it can to help ensure that the treaty is effective. To that end, the government will collaborate with our friends and allies, like the U.K. and Australia, as well as other states parties, to promote the universality of the treaty by ensuring that as many countries as possible join it and adhere to its requirements.

Bill C-6 will only implement those parts of the convention that require penal legislation in Canada. Other provisions are carried out by other means. The obligation to advocate in favour of the convention's norms, for example, will be implemented through diplomatic channels, while programming is in place to provide assistance to states affected by cluster munitions.

Let me turn now to those provisions that do require legislative implementation and that are included in Bill C-6, which is before us today.

The convention requires states parties to extend the prohibitions it imposes into domestic criminal law. The bill, when enacted, will prohibit the use, development, making, acquisition, possession, movement, import, and export of cluster munitions.

The bill will also prohibit the stockpiling of cluster munitions in Canada through the broader proposed offence of possession in Canada. This offence will cover any form of possession, including stockpiling, and can be easily enforced and, if necessary, prosecuted in Canada's criminal justice system.

The bill will also prohibit anyone from aiding or abetting another person in the commission of a prohibited activity. This will capture a number of potential cross-border scenarios where people or organizations subject to Canadian law engage in activities that are prohibited by the convention and will also ensure that those who are subject to Canadian law can be prosecuted for the offences in Canada.

While many countries could agree to an immediate ban on cluster munitions, each country has its own defence policy and security concerns, and it is clear that not all states are currently prepared to accept this. Some of the countries that prefer a different approach to the problem are our friends and allies.

Other members of this House have suggested that Canada simply prohibit cluster munitions entirely and confront our allies with a

choice between not having these munitions or not co-operating with Canada. The approach of the government, which is reflected in this bill, is more nuanced, and it is the approach which was ultimately agreed upon when the convention itself was negotiated.

Under the bill, and the convention itself, Canada will not have cluster munitions. We will not directly use cluster munitions. However, we will continue to co-operate with our allies in training and actual military operations. Some of these operations could well involve the use of these munitions by our allies, but Canada will not expressly request the use of cluster munitions if the choice of munitions used is within its exclusive control.

The policy that we are agreeing to in our international obligations will be given the force of law for Canadians by this bill. No person in Canada may possess, make, or use a prohibited munition, and no person in Canada will be permitted to take any part in activities, such as design or manufacture, even if it takes place in a country which does not ratify the convention.

On the other hand, no public servant or member of the Canadian Armed Forces will be subject to prosecution and punishment for participating in the kinds of Canadian co-operation with other countries that are specifically allowed by this treaty.

The bill will subject anyone who engages in illicit activities with respect to cluster munitions to prosecution and punishment, and it will assure other countries that we will not use private companies to retain stockpiles or manufacturing capacity that we would be prohibited from having as a states party.

However, we must take a responsible and prudent approach in deploying the criminal law so that we do not punish our own soldiers for military co-operation activities that are permitted under the convention.

● (2020)

The bill does not always use exactly the same language as the convention. This is because the convention is an international treaty that speaks to countries, while the bill is Canadian criminal law that speaks to the Canadians who are expected to obey it and the courts that will be called upon to apply it.

One issue that has been raised is whether the bill should make it an offence for a person to invest in a company that makes cluster munitions. It would send the wrong signal to markets to criminalize investments as such, it is not required by the convention, and it would be very difficult to enforce the practice. What the proposed legislation would do, however, is make it an offence to aid or abet another person or company in activities such as the making, development, or transfer of cluster munitions. This includes not only investment scenarios but other forms of encouragement or assistance as well.

*Government Orders*

If a person in Canada knowingly assists or encourages a company to commit a prohibited act, whether this is by investing capital resources or by providing technical or engineering expertise, then that person would be committing the offence even if the company aided or abetted is in another country where making the munitions is not a crime. This is an important balance to strike. If someone buys a company to make weapons offshore or specifically invests in order to fund illicit activities for a higher profit, it should be and would be a crime. On the other hand, if a Canadian, without any knowledge or intention to aid or abet the production of cluster munitions, holds a few shares in a large company that makes munitions, it should not and would not be a crime.

The bill would not implement investment policy but would establish criminal offences that can be prosecuted and punished. The use of established criminal law principles for aiding and abetting to draw the line between what is permitted and what is punishable would protect Canadians and ensure that the legislation complies with their charter rights.

The legislation before the House is solidly in step with Canada's commitment to protecting civilians against the indiscriminate effects of explosive remnants of war. Canada's ratification of the convention will give a strong signal of that commitment.

I am proud to support Bill C-6, which would enable us to ratify the convention and begin to end the scourge of cluster munitions, once and for all. I urge members of the House to join me in supporting this bill. There is work to be done under the convention, and the sooner Canada can take its rightful place with other state parties, the better.

• (2025)

**Mr. Kennedy Stewart (Burnaby—Douglas, NDP):** Mr. Speaker, I cannot support my colleague and his conclusions on this bill. I thought I heard earlier in his speech that he said Canada currently has cluster munitions, or perhaps we did have cluster munitions. I am wondering if he could clarify that point for me.

**Mr. John Carmichael:** Mr. Speaker, there are cluster munitions still on Canadian soil. The Chief of the Defence Staff and others in the defence department have committed to a full destruction of those munitions. We make it very clear, by this bill, that Canada will not and does not condone the use of cluster munitions and that any such product in a Canadian repository would be destroyed.

**Ms. Lois Brown (Parliamentary Secretary to the Minister of International Development, CPC):** Mr. Speaker, we had a number of witnesses in front of the foreign affairs committee talking about the interoperability clause that is so necessary in this piece of legislation.

Interestingly enough, we were talking about some of our closest allies who also have to have interoperability clauses in their legislation: Australia, the Czech Republic, Denmark, Finland, France, Germany, Italy, Netherlands, Sweden, Switzerland, and the United Kingdom.

I wonder if my colleague could talk about the importance of our work with our closest ally, the United States, and how often our military is embedded in the operations it is doing and what clause 11 would do to protect our own Canadian military personnel.

**Mr. John Carmichael:** Mr. Speaker, clearly the Obama administration has not signed on to this convention, so in the case of the United States, yes, it still operates with cluster munitions.

Interoperability gives us the ability to work with our allies in a way that is co-operative, both in training and in actual military operations; so it is critically important that our Canadian Forces personnel not be held liable when they unexpectedly or through no fault of their own are called to participate in an operation where they have no control over what our allies are carrying in ordnance on aircraft, as an example.

In this case with the United States, clearly our biggest ally, our biggest partner, we want to make sure we continue our ability to work with it, and therefore, we do not want to hold our forces accountable in a case such as that.

• (2030)

**Mr. Kevin Lamoureux (Winnipeg North, Lib.):** Mr. Speaker, there was a time when Canada had a very strong international reputation for its efforts around the world. One of the examples I would cite would be the Ottawa deal with the land mines. This was when we had Jean Chrétien as prime minister and Lloyd Axworthy, from Manitoba—I will give that extra little plug for my home province—who actually initiated and put together a treaty agreement that ultimately made a significant difference around the world.

Over the last number of years Canada's leadership on the international stage has diminished. When we look at the legislation before us, I am wondering if the member would not agree that there could have and should have been amendments that would have allowed this legislation to be a whole lot better. As a result, Canada is losing the opportunity to once again demonstrate leadership on the international stage, as Lloyd Axworthy and Jean Chrétien did in the nineties.

**Mr. John Carmichael:** Mr. Speaker, let me begin by saying I absolutely reject the premise from which my hon. colleague is coming.

I am very proud of our Canadian Forces. I am very proud—and biased—of the operational effectiveness our Canadian Forces have had overseas, and I just cannot accept that we do not carry a leadership role in these types of engagements.

In fact, I listened intently yesterday as the Minister of Foreign Affairs spoke to this very issue. Let me bring this back to the topic at hand, as opposed to relating to something, which is just totally unacceptable, from the hon. member's perspective. The Minister of Foreign Affairs said yesterday:

...our legislation fully implements Canada's commitment to the convention and it is in line with our key allies, including Australia and the United Kingdom. We regret that President Obama does not support the convention, and the United States will not join.

We are, however, coming forward with legislation that is fully aligned with the convention. We have gone so far as to say Canada has never used cluster munitions, ever. We will completely destroy the entire stockpile that exists....

I think we are taking a leadership on this, and I stand firmly behind that.

*Government Orders*

[Translation]

**Mr. Raymond Côté (Beauport—Limoilou, NDP):** Mr. Speaker, I thank my colleague from Don Valley West for his speech, although I do not agree with the positions he put forward. I am sure this comes as no surprise.

The government's bill has several troubling aspects, and I would like to ask my colleague about the length of time it took once the convention was signed by Canada, on December 3, 2008, to introduce the bill, which was not done until December 15, 2012. Now we are now debating it today in a disorderly and rushed fashion.

I wish to remind my colleague that Canada signed and ratified the convention on the prohibition of anti-personnel mines on December 3, 1997. The timeframes were much shorter. Canada genuinely met its commitments and showed leadership by being the first to move forward with the ban on land mines.

I would like my colleague to explain how the government could wait so long to introduce a bill that is so convoluted, if not contrary to the spirit of the convention.

[English]

**Mr. John Carmichael:** Mr. Speaker, as I pointed out in my speech, we have taken a serious problem and we have implemented guidelines and legislation around that problem that would prohibit the use of cluster munitions.

While this may have been signed some years ago, our government has taken a leadership role in ensuring that our country and our forces are protected and are not distributing these types of munitions and ordnance, and that this country would make it illegal for anybody to do so.

We have taken a strong leadership internationally in establishing ourselves along with our allies Australia and the United Kingdom. We have preserved Canada's ability to work alongside all of our allies.

I would encourage my hon. colleague to join us and support the bill. Let us put partisanship and ideology aside and make this happen, as something that is required as international leadership.

● (2035)

[Translation]

**Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP):** Mr. Speaker, I will certainly not question the integrity of my esteemed colleague.

The fact is that this kind of weapon is used to bombard an area rather than a target, regardless of who is in that area. That is the problem. It greatly increases the number of civilians affected.

Previously, a pilot locked on a target and dropped a bomb. Now, a missile is launched from a great distance and an area is destroyed. That is the problem. Civilians are made victims, something not permitted under the laws of war.

I would like my colleague to tell me how he justifies bombarding an area without knowing whether there are civilians present.

[English]

**Mr. John Carmichael:** I clearly do not, Mr. Speaker. That is why I am standing up in support of a bill that would prohibit cluster munitions. Clearly, we stand against the use of these devastating and horrific ordnances.

I am a grandparent. These young children play out on the street with toys and things. The way that these cluster munitions are described, in fact by one of the members opposite, it is like dispersing toy-like elements that explode in the faces of children. It is a horrific situation, and you need to join with me in stopping it, by supporting the bill.

**The Speaker:** I would just remind the hon. member to direct his comments through the Chair and not directly at our colleagues.

Resuming debate, the hon. member for Newton—North Delta.

**Ms. Jinny Jogindera Sims (Newton—North Delta, NDP):** Mr. Speaker, I would not say it is a delight, but it is absolutely a privilege to stand and speak to Bill C-6, an act to implement the Convention on Cluster Munitions. I want to make it clear right from the beginning that I do not think that any of us in the House actually support the use of cluster munitions. As my colleague just said, many of us are parents and grandparents. As a teacher I have worked for a peaceful world for all children for many years of my life.

I am also one of those fortunate ones who has never actually lived in a place engaged in war, as many of us in this room, yet today, with technology what happens in war is brought right into our living rooms through television, the Internet, and our social media. Even if we did not see those images, the description of what cluster bombs and land mines can do is etched in our memories.

I am sure many of us in this room were activists to get rid of land mines. Many of us have worked very hard against the use of cluster bombs as well. Someone described it earlier as little D-sized batteries, hundreds and hundreds of them, exploding and the impact of that explosion hitting something like two to five football fields. When we have that image in our minds, especially now that soccer is being played and we can all see the size of the field, we wonder how many children get impacted. It is not just talking about something that happens overseas, it is also about what our soldiers had to face when they went to Afghanistan. They were in situations where there were land mines and cluster bombs.

Having said that, it is with a great deal of reluctance that I am going to be speaking against the motion that is before us. I was very proud of the day that my country, Canada, signed the UN convention. We were not the only ones; 113 countries from around the world signed that convention and 84 countries have ratified it. We signed the convention in 2008 and here we are in 2014 debating this.

Why has it taken this long for the bill to come into the House? It entered the House a few days before the end of this session under time allocation. If any bill should not be forced through time allocation, it should be a bill like this. We should get to have that kind of debate that is necessary and make sure that we end up with legislation that really works well, especially when the legislation is tackling something as fundamental and as serious as cluster bombs. That is what we should be doing.

*Government Orders*

I am not going to spend too much time talking about time allocation because that is the way the government does business. It does not really want to hear serious debate or a different point of view. It wants to limit that. In my riding there are people who are concerned and they want me to come to the House and represent them and speak for them. I have constituents in Newton—North Delta who care very deeply about the use of cluster munitions. They are absolutely opposed and they would understand why I am standing in the House today in opposition to this piece of legislation.

● (2040)

Our foreign affairs critic, the member for Ottawa Centre does an amazing job at committee. I know that he is very persuasive. He has often persuaded me to look at things differently. I know how hard he works, how knowledgeable he is on this file, and how much he cares about Canada's reputation in the international arena. I also know that we would have to go a long way to find a member of Parliament who is more interested in working on this file in a non-partisan way, in a way that will best serve Canada and best serve us in our international community.

This was an opportunity missed by my colleagues across the way. If they had heard not only his concerns but concerns expressed by others, including some of us, and had actually taken a look at section 11 of this legislation, and if they had removed that, then the government would have had the kind of coverage we have heard that the section is supposed to present.

The agreement already has section 22 in it. The interoperability clause is there. Our member, my esteemed colleague, the foreign affairs critic, the member for Ottawa Centre actually agreed, or offered, to lift the wording from the convention and put it into this legislation word for word, so that it would provide the kind of protection we heard about from our colleagues across the way.

That really was not the intention here. It is only when I listened to him that I began to see why this bill is as flawed as it is today. It may be the process it went through even before it came here. Of course we know that our colleagues across the way do have an allergy to data, science, listening to experts, or anything that might disagree with them. That would mean that they might actually have to change their minds on something. In parliamentary democracy that is supposed to happen. That is the way it works. Otherwise, there would be no need for us to debate. We could all just come in here with our minds already made up, sit, and say that is it. However, that is not how we are set up.

Here we have section 11. I heard the member for Ottawa Centre talking about that particular section and the fact that whenever we go to war we do put all kinds of caveats. We do have all kinds of arrangements that we make as to what we are going to do and what we are not going to do.

Why is it, in this case, that we have that reluctance toward doing that? The member was talking about section 11 and that we have categorically said that Canada will not use cluster bombs. Then we have a section in this bill that says, however, we will direct or ask or lead to. It reminded me of *Monty Python*. I do not know if members ever watch much British television. *Monty Python* is extremely funny, but it is also extremely serious. It deals with some horrible issues in a very entertaining way. As the member for Ottawa Centre

was going through the bill, I thought that it was beginning to sound like a *Monty Python* sketch, in which we are going to say, “We will not use cluster munitions. We will not; however, we can direct or take direction or give direction for the use thereof.”

Therein lies the problem with this bill. That is why, in good conscience, being a mother, a grandmother, and a teacher, I could not possibly support this. There is an escape hatch in this bill that is miles wide.

● (2045)

We either believe in the use of cluster munitions or we believe in banning them. We cannot have these halfway measures when it comes to something as critical as this. I think about my own grandchildren, and I think, “There, but for the grace of God, go they.” They could have been unfortunate enough to have been born in a war-torn country where, as little kids, they pick up little batteries or what they think are little toys that could explode. We all know how horrific that is. I do not have to paint that picture. I actually do not have the heart to paint that kind of a picture. Why would we want to have an escape hatch that is a mile wide when we know that the interoperability clause in section 22 already gives protection and cover to Canadian soldiers?

I heard a lot about our neighbour, the U.S., and how we co-operate with the Americans and we work closely with them, and they are our great ally. All of that is true. However, we do not always agree with everything that our colleagues to the south of us believe in. We just found out recently that we do not agree with them on some pretty major issues, like maybe pipelines. However, on the other hand, when we deal with the Americans, when we have gone into war with them, we have stipulated what our forces are going to do or not going to do. Those are the kinds of agreements that are made because when we decide to go into a place where our soldiers go, we do not say, “Just go and do whatever.” When we are working in partnership, whether with the U.K. or Australia or the U.S.—

**An hon. member:** NATO.

**Ms. Jinny Jogindera Sims:** NATO. I thank my colleague from Burnaby.

It does not matter. We ourselves, as a sovereign nation, write down the parameters, the caveats, the restrictions, and then we decide to expand them.

For me it is not good enough to say, “Because the U.S. has not signed this particular convention, therefore the legislation we are going to introduce right now has to have an escape hatch a mile wide.” That is just not going to sit right with me, nor with many Canadians who are looking to us to set an example. Let me just say that we are not the only ones, sitting across this House or at the committee, who realize that the government has signed a convention and that weakens that convention, that signature on that piece of paper, through this legislation. I know my colleagues get very upset whenever there is some thought that somehow Canada's international standing might have suffered slightly over the last few years. I would say that we have been smacked a few times recently by the international community.

*Government Orders*

We had the rapporteur on first nations who came in and wrote a pretty damning report. Our reaction to it was to attack him instead of looking at the real plight of many of our first nations communities. The ILO has looked at some of our approaches to labour issues and it has not had many kind words to say about us either. We no longer have a seat on the Security Council. I have had the pleasure, when I was in my other file, of talking to many international diplomats in Ottawa who were saying how our international standing had been damaged.

• (2050)

We have gone from being the peacekeeper and a country that played a critical role in bringing different people together to build a consensus to a country that signs a convention and then, through this House with a majority, looks at weakening what it signed.

Here is a quote from the former Prime Minister of Australia, Malcolm Fraser:

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 hurts. It hurts me when I hear the term “regressive” being used to describe Canada in the international community. I can remember the days when I taught social studies and history 12 . I would talk with great pride about the role Canada plays on the international stage, and when we get things like this, it does begin to disturb us.

Here is a quote from Paul Hannon, executive director of Mines Action Canada. He 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.

Let me explain again what we are saying in this legislation.

By the way, we do not have difficulty with this legislation. It is only clause 11, and if that section had been removed, we would not be here debating this bill tonight. It could have been passed and gone on to other stages. However, the reason we are here tonight is that we have a huge contradiction. We are saying that Canadian soldiers and Canada would not use cluster munitions. On the other hand, we are saying that if we are working with another country, we may direct their use. I cannot fathom how that is adequate. For me, as I said, this is where we enter the land of *Monty Python*.

My colleague earlier also talked about the Red Cross. Those of us who know the workings of the Red Cross know that it very rarely gets involved in political debate. Its work is more of advocacy and delivering services on the ground. However, in this case it was almost forced to get involved, because it sees first-hand the real impact of these cluster munitions. The Red Cross is on the front line.

The Red Cross said that clause 11:

...could permit activities that undermine the object and purpose of the convention and ultimately contribute to the continued use of cluster munitions rather than bringing about their elimination.

That is a pretty damning comment from a group that does not really get involved in politics.

Let me get back to saying what we would really like to see. Of course we want to have the strongest legislation possible to ban cluster munitions, but this particular bill is not it. I would urge my colleagues to take it back and accept amendments, which they have not done so far. Let us make sure that this bill would do what we want it to.

At this point, the bill is really problematic. As long as it has clause 11, it is impossible for us to support this bill, because with that little piece in there, this bill would not actually ban the use of cluster munitions 100%. We either do or we do not. There is no halfway.

• (2055)

**Ms. Lois Brown (Parliamentary Secretary to the Minister of International Development, CPC):** Mr. Speaker, first, I reject all of what the member opposite has said about Canada's reputation on the world stage. We have a stellar reputation on the world stage under the leadership of our Prime Minister. Just three weeks ago, we hosted a summit in Toronto, where we had reputable people in the room. They were people like President Kikwete of Tanzania; Ban Ki-moon, the Secretary-General of the United Nations; Dr. Jim Yong Kim, from the World Bank; Melinda Gates, from the Gates Foundation; and the Queen of Jordan. They all praised Canada for the work we are doing. We announced \$3.5 billion for maternal, newborn, and child health.

Since 2006 we have committed \$208 million to demining, advocacy, education, and victims' assistance, and our reputation globally is stellar. We continue to work on these things. We have worked in Afghanistan, Bosnia and Herzegovina, Cambodia, Chad, Colombia, the DRC, Georgia, Jordan, Laos, Lebanon, Libya, Mozambique, Nicaragua, Palau, Ecuador, Peru, Sudan, Tajikistan, and Uganda. These are all places where we are working very hard.

My question for the member is this: why does she want to disadvantage and criminalize our own military personnel when we are on joint efforts with our closest ally, the United States?

**Ms. Jinny Jogindera Sims:** Mr. Speaker, there we saw an example of a Monty Pythonish sketch, so to speak.

First she says she totally rejects what I said, but the rapporteur who came and reported on the living conditions of our first nations people did not visit some other country. He actually visited communities right here in Canada, and he reported on that. The report was so moving that many people I talked to said it brought them to tears and made them feel ashamed. There is also the fact that we have lost our seat on the Security Council. Let us pretend that did not happen either.

I am not saying that some good things are not happening internationally. Of course they are. However, we always have to look at where we could be doing more and where we could be doing better.

*Government Orders*

Let us get to the question. It is very easy for me, actually. Section 22 of the convention that we signed has an interoperability clause right in it. We offered to lift that, word for word, and put it into this legislation. Instead, the government chose to weaken the bill by putting in clause 11, which actually does not have Canada 100% opposed to the use of cluster munitions, since we can give direction and take directions from others under this wording.

• (2100)

**Mr. Kevin Lamoureux (Winnipeg North, Lib.):** Mr. Speaker, I suspect there is not a member in the House who supports the need for cluster bombs, or anything like that sort of munition, in our arsenal.

It is important for us to recognize the horrific nature of cluster munitions. There is no specific target. Quite often, it is the most vulnerable in society that are most affected by its use. After initially being dropped, a high percentage of it never goes off. It just sits in the fields waiting to be discovered, whether it is by a farmer, a child, or others who might be coming by. There is very high percentage of civilian casualties, not to mention the loss of limbs and so forth.

I would ask the member if she might want to provide some additional comment about the horror stories and why it so important for the world to do something about this type of munition.

**Ms. Jinny Jogindera Sims:** Mr. Speaker, when we are debating legislation in the House we often fail to recognize the impact on society. We do not always realize how the wording we have chosen for the clauses in the bill will be played out in the real world.

In the countries where cluster munitions are still around, as are land mines, the images I have seen have been really horrific. It is not an image that I would want to experience first-hand: children having bits of their limbs blown off, children's faces being shattered, children being blinded. I just cannot imagine anything as horrific as this is. I have seen the pictures and I really do not want to see them again.

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Speaker, I have a question for the hon. member for Newton—North Delta. I appreciate the late hour and any reference to Monty Python is welcome, but I find that at this hour we are about to pass Bill C-6 without taking the additional steps that should be taken.

This is one of the rare times that we have seen an amendment, and it did come from the parliamentary secretary, as the member for Ottawa Centre pointed out. It was to remove the word “use”. However, we recognize—and there have been many examples in this debate—that in the wording, there is far too much latitude around Canadian engagement with the use of cluster munitions, and we could have used much tighter language for interoperability, as we did in the Ottawa land mines treaty.

My question for the hon. member for Newton—North Delta is this: does she believe that at this late date, when we are past the point of amendments, it is worth turning down Bill C-6 in the hope that Canada could implement a treaty that it has in fact ratified to meet its real objectives?

• (2105)

**Ms. Jinny Jogindera Sims:** Mr. Speaker, I have lived with the premise that it is never too late when the will is there. If the will

exists on the part of the majority sitting on that side of the House, those kinds of changes could be made, this bill could be fixed, and it could be supported by every member in the House.

[*Translation*]

**Ms. Ève Péclet (La Pointe-de-l'Île, NDP):** Mr. Speaker, according to the Government of Canada, and based on what we have heard in the Conservatives' speeches, the use of cluster munitions is inconceivable and unacceptable.

Why have we not heard the Government of Canada or the Minister of Foreign Affairs condemn the use of cluster munitions in the current Syrian conflict and take a strong stance on this issue?

When we were dealing with Bill S-10, the parliamentary secretaries at the time told us that Canada had always staunchly defended this position. If so, why did the Conservative government not adopt a strong, clear position on the use of cluster munitions in the Syrian conflict?

[*English*]

**Ms. Jinny Jogindera Sims:** Mr. Speaker, I am not going to try to guess why my colleagues across the way have not taken that kind of position. I cannot imagine anybody on either side of the House supporting the use of cluster munitions.

What we have is a bill that is fundamentally flawed, one in which the government has inadvertently opened an escape hatch that we do not need. The interoperability clause that exists in section 2 of the convention is more than adequate to enable Canada to work with its allies. We as a country can have all kinds of caveats when we work with other allies, but to leave the possibility that our soldiers could be directing or ordering the use of these munitions as a result of leaving clause 11 in there is unconscionable.

**Hon. Peter MacKay:** Mr. Speaker, on a point of order, I have the honour to table, in both official languages, the government's response to questions on the order paper. They are questions nos. 489 and 490.

[*Translation*]

**Mr. Raymond Côté (Beauport—Limoilou, NDP):** Mr. Speaker, I thank all of my colleagues for being here tonight to debate a very important bill. I am honoured to speak to Bill C-6 because it is closely tied to our Canadian identity and to Canada's involvement in the community of nations. In addition, the bill deals with a serious moral issue.

It is crucial for us to carefully study this bill so that we can understand the extent of our commitment as we consider passing or abandoning a bill that will create so many exceptions that, in the end, the Convention on Cluster Munitions that Canada has signed but not yet ratified will be devoid of all substance. The convention has already been undermined by the position taken by Canada, which was looking to remove all substance.

I am 47 years old. The Prime Minister has kept the promise he made to his voter base and his core supporters to profoundly change Canada. He is doing just that.

*Government Orders*

Bill C-6 is a perfect example of the profound changes that are being made to our country, transforming it to such an extent that I no longer recognize the Canada of my childhood, 25 or 30 years ago. The Canada I was proud of is increasingly becoming an illusion and a cause of embarrassment and even shame for many of our citizens. This is a very serious problem.

Canada has long been a leader and innovator. It still has quite a strong reputation around the world as a country that has promoted, defended and put in place a series of measures and actively supported and guided all the nations of this world in affirming, defending and protecting human rights so that human dignity is defended around the world.

Former prime minister Lester B. Pearson, who was minister of external affairs at the time, established the corps of peacekeepers, soldiers of peace, so that there would be an interposition force in conflicts around the world. Canada was recognized as an innovator for that.

Unfortunately, our country has now become particularly marginal in terms of its involvement and having its soldiers once again proudly wear the blue helmets of peacekeepers and serve as an active interposition force between parties in conflict around the world.

Canada also led the charge within the Commonwealth to force South Africa to abandon its apartheid system, which had been in place for decades. That particularly cruel system had resulted in intolerable situations in which people were subdued and their fundamental rights violated.

• (2110)

They were even killed in some instances. We remember particularly tragic episodes in the history of South Africa in which many people paid with their lives for claiming rights as simple as the right to live in dignity, to have enough to eat, to be housed or simply to have a place in society.

We can also be proud of that legacy of Brian Mulroney's Progressive Conservative government. However, it now seems so long ago, and we appear to be increasingly moving away from the ideal that existed at the time.

In the 1990s, Canada also welcomed and supported the community of nations in implementing the convention on the prohibition of anti-personnel mines, also called the Ottawa treaty.

As I pointed out when I put a question to my colleague from Don Valley West, our government was so convinced of the validity and value of that treaty that it signed and ratified it on the same day, December 3, 1997. It was an admirable, far-reaching gesture. We can find no better example of a government moving from words to action.

Unfortunately, the effect of the bill that is before us today is to undermine a convention that has already been significantly undermined by the cycle of negotiations that the Canadian government seriously compromised. Canada forced the principle of interoperability into the convention so that our soldiers could potentially transport and use cluster munitions.

This class of weapons is far from new. Here I must admit a part of my own personal journey. When I was young, I was truly fascinated by human beings' ability to invent all kinds of ways to gain the advantage on the battlefield and to innovate in order to neutralize and even destroy the enemy. That led me to find out about all those ways, land-based, naval and aerial.

It also helped me understand how weapons as particular, dangerous and destructive as cluster munitions could have evolved to such an advanced degree that it really sends shivers down one's spine. Whether in bomb or missile form, cluster munitions can scatter dozens of mini-bombs or mini-missiles across the landscape. There is virtually no way to protect oneself from this type of weapon. Furthermore, once they have been used, it is very hard and dangerous to neutralize them, as is the case with anti-personnel weapons.

I listened carefully to the speeches by my Conservative Party colleagues, and I admit I absolutely failed to understand how they could defend the indefensible. I hope the image I am going to use will clearly illustrate how untenable the Conservative government's position on Bill C-6 is.

What is being suggested as a way to prevent our soldiers from being prosecuted and convicted for using or transporting cluster munitions is comparable to my telling my son, if he sees the boy next door hit students with a baseball bat in the school yard, that I give him permission to do the same thing because I think that is fair.

• (2115)

This is absolutely indefensible. I do not know whether there is a better image than that, but that is the one that comes to mind. It is a deliberately brutal image. I will not conceal that fact. It is an image that shows the extent to which I think we are venturing onto a very slippery slope.

In the past three years, it has been an enormous privilege for me to serve as the member for Beauport—Limoulo and to be able to sit in the House of Commons with my 308 colleagues. I have been able to speak with people from all walks of life who have absolutely extraordinary knowledge, expertise and experience, which makes me feel quite humble. It also makes me see how far Canada's leadership and, more particularly, the influence it can have, have declined everywhere.

I am an international relations enthusiast. A reputation is built gradually. Canada began to build its identity starting in World War I, and even before that, when the Laurier government demanded Canadian independence from the British crown. It has benefited enormously from a particularly favourable geographic situation and, at certain times, has managed to position itself admirably on the geopolitical stage.

That heritage, that clout and the influence that Canada once enjoyed are being whittled away. Our nation still wields some influence since, fortunately, people in different countries are able to make the distinction. That is what I heard on my few trips abroad. Foreigners tend to make the distinction between the government's position and the values of Canadians. This is a very minor consolation.

It is simply not good enough to say that fortunately, people believe that Canadians still have good values, when the government has gone off track and completely in the opposite direction. We cannot just stand idly by and forsake our parents', grandparents' and great-grandparents' heritage. This heritage makes it possible for Canadians to enjoy a certain degree of privilege. When Canadians meet people from other corners of the globe, they listen to us and respect us. We have credibility when we speak.

There is something that is really disappointing about this government's approach, and that is its hypocrisy. There is no need to mince words.

We cannot claim to want to eventually banish cluster munitions without taking steps to avoid their use. The government has created a huge loophole in the convention with Bill C-6. It is just hot air, nothing but a marketing ploy, a PR exercise that will achieve very little at the end of the day, and that is truly disappointing. It betrays the trust that our constituents place in us. That is why, like my NDP colleagues, I am going to oppose the passage of this bill at third reading.

It is well nigh impossible to describe just how horrific the use of cluster munitions is.

• (2120)

That is why I evoked memories of my adolescence and my young adult life. I was interested in global issues, defence and the tools a country has to wage war and defend its territory. It is staggering to see the capacity of the human spirit to invent new tools that are increasingly sophisticated, broad and blind, as cluster munitions are, in order to target indiscriminately, and even primarily, civilians as opposed to combatants.

I would like to recall a very recent memory. I was learning about the advances in robotic applications and artificial intelligence on the battlefield. I will describe what I learned, which did not completely surprise me. I must admit that I was shocked to see just how easy it is to lose control. It is virtually unstoppable. We all have pictures in our heads of science fiction movies such as *Star Wars*, in which we see human-like combat robots deploy, fire indiscriminately and find a way of seizing the advantage on the battlefield. Indeed, the fiction pales into insignificance compared to reality.

Now, the reality is robots that have practically no humanoid appearance but a lot of characteristics found in other parts of the animal world, including the insect world. The concept that particularly struck me was that of autonomous robotic swarms. Currently, there is, for example, still some human control over the use of drones. This remote control makes it possible to keep one's distance and kill or injure people elsewhere in the world very easily while feeling a lot less implicated. This leads to huge ethical and personal conscience problems.

However, we now have very small autonomous systems that are able to cause death and destruction in innumerable swarms. I am referring to tens, hundreds or even thousands of small robots that can very easily injure or kill people wherever they are in the world and against which it is impossible to defend oneself, as is the case with cluster munitions.

### *Government Orders*

When I was in university, one of the concepts that I studied in the area of international relations was obviously that of the sword and the shield. This concept indicated that for every improvement made to the sword in order to pierce the shield, the hope was to improve the shield and ward off the increased offensive capacity. Now, this concept seems increasingly outdated to me. Realistically speaking, cluster munitions are a good example of the fact that this indeed the case. It is virtually impossible to guard against swarming, a missile or a cluster bomb.

It is a system of offensive weapons that is particularly pernicious and devious. That is why I want to warn my colleagues. Our soldiers could potentially commit innumerable and immoral actions. In terms of conscience, and considering the responsibility that we have as elected members and, more fundamentally, as Canadian citizens, we need to be cognizant of the fact that we could cause our soldiers to commit such actions.

• (2125)

I hope that my contribution to the debate will have enlightened my colleagues in the governing party and that Bill C-6 will not pass.

[*English*]

**Hon. Gordon O'Connor (Carleton—Mississippi Mills, CPC):**

Mr. Speaker, I have listened to my colleague's speech. It was quite wide-ranging, so I cannot air every part of it, but I want to hit a few of the points.

First, he mentioned Mr. Pearson and peacekeeping. Today there is not much demand for Canadians as peacekeepers. They go to countries that have large militaries, they subsidize those militaries, and they do the job. Africans look after Africans and Asians look after Asians, and they do quite well.

However, the member might note—I do not know if he wants to do the whole history—that Mr. Pearson also brought nuclear weapons into Canada. I do not know if he agreed with nuclear weapons or not, but he brought them into Canada. Nuclear weapons, I think, are worse than cluster munitions.

Now you said that we are going to use and transport cluster munitions. First of all, we do not have any cluster munitions now. We had them in the past. I guess that at the time, people thought it was a good idea. They do not think it is a good idea anymore. In any case, we are not committed to using or transporting cluster munitions.

The other point is that you have a view of the world and we have a view of the world. You may think that we are diminished, somehow, in the world. We do not. We think we are doing quite well in the world. We think we have a very strong position in the world. We stand up for what we believe, and you do not.

• (2130)

**The Speaker:** Order, please.

I just want to remind the hon. member to address his comments through the Chair, not directly at his colleagues.

*Government Orders*

[Translation]

The hon. member for Beauport—Limoilou.

**Mr. Raymond Côté:** Mr. Speaker, I appreciate the comments by my colleague from Carleton—Mississippi Mills. However, I have to start by contradicting him. Even though Canada does not have any of these weapons, our soldiers could be exposed to their use and may have to use them in operations because of interoperability agreements with our allies, including the United States, which has refused to sign the convention.

We have to look at what does the most damage. I have to disagree with my colleague again, in a friendly way, about nuclear weapons. Back in the day, Canada was in a position where, unfortunately, it ended up bringing in nuclear weapons systems. My colleague is absolutely right about that. However, one of the features of nuclear weapons is that they are really a weapon of last resort because they are weapons of mass destruction.

Cluster munitions, however, are much easier to use because they are much easier to acquire, cost less and cause limited damage. Nevertheless, these weapons produce thousands of casualties around the world every year. I sincerely believe that cluster munitions are worse and much more cruel than nuclear weapons.

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP):** Mr. Speaker, I would like to ask my colleague a few questions. He talked about victims. The government likes to go on about how it keeps victims and protecting them top of mind when it drafts and introduces bills. However, in this case, the victims of cluster munitions are little kids.

Can my colleague explain why the government does not see the need to protect children in some countries even though they are the real victims?

**Mr. Raymond Côté:** Mr. Speaker, I thank my colleague for her question.

In fact, I will try to answer the question with the following thoughts: if we really want to prevent people from becoming victims, then we avoid creating the conditions that make them victims. It is not always possible, but when it comes to this bill and especially abolishing the use and even manufacture of cluster munitions, Canada could completely ban their use in its jurisdiction, on its land and in its circle of influence, even from its presence around the world. I am convinced that that is the best way to prevent young children from becoming victims of these weapons. The majority of the victims are children.

Unfortunately, many of these weapons come in shapes and colours that are very attractive, making it very tempting for children to pick them up. They then are maimed or killed when the weapons go off.

[English]

**Ms. Lois Brown (Parliamentary Secretary to the Minister of International Development, CPC):** Mr. Speaker, of course, we find cluster munitions absolutely reprehensible, which is why we have worked diligently around the world since 2006 to de-mine places where cluster munitions have been dropped. We have put up some \$208 million, as I said earlier.

Other countries in the world have put interoperability clauses into their legislation, when they signed their own legislation. I would like to read what New Zealand has in its legislation:

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 by section 10 (1).

Since we have so many operations in which we embed our Canadian Armed Forces with our largest ally, the United States, that are important to the security of our own nation, why does my colleague not want to give our own members of the Canadian Armed Forces the legal cover they need to be embedded with our allies?

• (2135)

[Translation]

**Mr. Raymond Côté:** Mr. Speaker, I thank my colleague for the question.

In return, I would ask her, why stop halfway and actively support the inaction by our ally, the United States, and its outright refusal to sign on to this convention?

If eliminating clause 11 created a major obstacle preventing us from operating with the United States, this would allow us to exert enough pressure to hopefully force the Americans to reconsider manufacturing and using cluster munitions. We could probably manage to do that.

Unfortunately, my colleague's position is completely indefensible because in the end we have a round of negotiations accompanied by cocktails with a rather meaningless text with no real scope. This is unacceptable. There is no other way to describe her position.

**Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP):** Mr. Speaker, allied NATO member countries have signed this agreement to prohibit the use of cluster munitions. Are these countries lesser allies? Are they enemies? Why can our allies sign this agreement, but our hands are tied because one day the United States might use these munitions?

**Mr. Raymond Côté:** Mr. Speaker, I would like to thank my colleague from Marc-Aurèle-Fortin very much for his comment and his question.

One does not exercise leadership by constantly avoiding responsibility. What is truly unfortunate is that Canada is no longer the world leader it used to be. We have now been overtaken by many other countries that allow themselves to go the extra mile.

Coming back to the previous question, my colleague hid behind the argument that other countries had passed laws or implemented this convention and had included the principle of interoperability in order to protect the members of their armed forces from prosecution. That is treading lightly and very timidly on the path to abolishing these weapons and, unfortunately, completely losing sight of the objective.

[English]

**Ms. Jean Crowder (Nanaimo—Cowichan, NDP):** Mr. Speaker, like other members of the NDP, I am rising to speak in opposition to Bill C-6, An Act to implement the Convention on Cluster Munitions.

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I want to start with a quote of Paul Hannon from Mines Action Canada. He 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.

I think this is an important place to begin the 20 minutes I have to speak on the bill.

As a number of my colleagues pointed out, there was a time when Canada could hold its head high on the world stage for the work it had done in many areas of international relations. Certainly, when we come to things like a number of declarations, Canada has had key roles to play. However, Canada has fallen far short.

I want to give an example of how we as parliamentarians can work and have worked together before I talk about what is wrong with the bill.

As a parliamentarian, I am a proud member of Parliamentarians for Nuclear Non-proliferation and Disarmament, or PNND. We had in the House and the Senate a motion passed that supported the Canadian Parliament taking very strong actions in calling for non-proliferation and disarmament. We have worked together across the aisle on that initiative. It is an example of where we can come together on points that we agree on.

What I have heard from members in the House to date on this particular issue is that we all agree that cluster munitions have terrible consequences for people in countries where these munitions have been used. We can all agree that we do not want to see children maimed and killed by these munitions. Therefore, it is troubling that we have a piece of legislation that simply does not go far enough.

I want to point to the Cluster Munition Coalition. This bill was reintroduced after it had been here in another form but lost due to prorogation. However, the Cluster Munition Coalition issued a news release on October 29, 2013 entitled, "Different Name, Same Deadly Consequences". In the release it says the following:

The bill, that should enact the Convention on Cluster Munitions in the country, proposes legislation that is not only against the spirit and the intent of the Convention, but would also put the lives of civilians at severe risk during and after armed conflicts. While the Convention on Cluster Munitions bans the use, production, stockpiling and transfer of cluster munitions in all possible forms, Bill C-6 includes a clause (Section 11) which would enable Canada to request other countries to use cluster munitions in the course of joint military operations, and in certain cases enables Canadians to use these outlawed weapons themselves.

I believe there has been an amendment that did change that last piece, but the bill would still allow Canada to work with countries who continue to use cluster munitions.

The article continues:

The Cluster Munition Coalition believes no explanation of the contested clause is plausible.... Only by closing the dangerous loopholes can Canada really claim to be banning cluster munitions and putting the protection of civilians first.

I will quote other sources on the impact of these munitions and why they are so dangerous. The Ministry of Foreign Affairs of Norway has put out a release entitled, "Cluster munitions—a humanitarian problem". It states:

Cluster munitions are a large, and growing, problem. If their use continues to spread, and the number of those using them continues to grow, they may become an even greater humanitarian and development challenge than anti-personnel mines were in the 1990s.

Attention is now being focused on cluster munitions, a general term for a variety of weapons that disperse a large number (anywhere from 10 to several hundred) of submunitions, or bomblets, over a target area. The submunitions are placed in a container that can be dropped from aircraft or delivered by means of artillery shells or missiles. The submunitions, which are designed to explode on impact, are released from the container some distance above the target area, and are armed as they fall.

● (2140)

They go on to talk about the fact that over the last years, they have clearly demonstrated the unacceptable humanitarian consequences of this weapon. They go on to say:

There are two main causes of this.

First, cluster munitions cover large areas, and so do not discriminate sufficiently between civilians and military personnel. Depending on the type of cluster munition, the size of the area they cover ranges from a few hundred square metres to about 20 hectares, equivalent to 40 football fields. In many cases where cluster munitions have been used extensively, they have been used in areas where there is no clear separation of civilians and military personnel, such as cities and agricultural areas. When used in such areas, weapons that cover large surface areas with explosives almost invariably affect civilians.

Second, cluster munitions often produce a large number of 'duds', i.e. submunitions that have failed to explode as intended. These highly unstable explosive devices remain lying on the ground, on roofs or in collapsed houses, or are caught in trees. In practice, duds have the same effect as anti-personnel mines, injuring or killing innocent civilians, for example when they are rebuilding destroyed houses or resuming vital agricultural activities.

Because the proportion of duds is generally high—25% is not unusual—and because these weapons are often employed in large numbers, the number of duds can be extremely high. Civilians can continue to suffer casualties and injuries years after a war has ended.

Efforts to clear areas of duds and to assist victims are often extremely resource-intensive. Poor countries with limited resources can only focus on these efforts at the expense of other development aims. According to the Landmine Monitor, the international community provides about USD 400 million per year to assist affected communities in clearing munitions....

Any future proliferation of cluster munitions would greatly increase the need for assistance from the international community. Not only would the humanitarian costs be unacceptable, but a heavy economic burden would fall on affected countries.

Members can see that these are extremely dangerous weapons. They are largely impacting civilians, and many of those are children. It seems unconscionable that all governments, particularly our own government, would not do everything in its power to make sure that the use of these munitions becomes something of the past, and that we would also do everything in our power to contribute the dollars we can to help countries clear these munitions.

The Cluster Munition Coalition provides a bit of background on the convention and says:

The central provision of the Convention on Cluster Munitions is the ban on the use, production, stockpiling and transfer of cluster munitions. This makes it illegal in every country that joins the Convention for anyone to use cluster munitions or engage in any production or trade of the weapon. Other weapons that have been banned in this way include antipersonnel landmines as well as biological and chemical weapons.

The ban also extends to any activity that would assist other countries in the use, stockpiling, production or transfer of cluster munitions. This means that if a country, for example the UK, has joined the treaty banning cluster munitions and takes part in a joint military operation with another country that has not, for example the US, then UK troops must not intentionally do anything that would in any way assist in the use of these weapons during that operation.

They go on to talk about the Oslo process, launched by Norway in 2007 to work with like-minded states on a ban. At that time:

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The Convention, signed by 94 states when it opened for signature in Oslo, Norway on 3 December 2008, is an historic achievement. The strength of the treaty is largely due to the prohibition on cluster munitions as an entire category of weapons. The negotiators rejected proposals for broad exceptions from the ban and for a transition period during which cluster munitions could still be used. The obligations relating to victim assistance are ground-breaking; they demand the full realisation of the rights of people affected by cluster munitions and require states to implement effective victim assistance measures. The Convention's comprehensive ban has contributed to the increasingly powerful international stigma against cluster munitions, making it clear to the world that no actor, including those states that have not yet joined the Convention, should ever use cluster munitions again.

● (2145)

I want to touch briefly on a couple of clauses in the convention itself. A document from March 28, 2014 says the following about the convention:

The 2008 Convention on Cluster Munitions is a legally binding international treaty that comprehensively prohibits the use, production, stockpiling, and transfer of cluster munitions, requires destruction of stockpiled cluster munitions within eight years, and clearance of contaminated land within 10 years. It recognizes the rights of individuals and communities affected by the weapon and requires states to provide assistance. The Convention also obliges countries to assist affected states to fulfill their obligations....

As of 13 September 2013, a total of 113 governments had joined the Convention on Cluster Munitions including stockpilers, former users and producers of the weapon as well as the majority of affected countries.

As members have noted, Canada has signed onto the convention, but we are dealing with the process of ratification at this point.

Article 1 of the convention on general obligations and scope of application says that the production, stockpiling, use and transfer of cluster munitions are prohibited in all circumstances, including in international conflicts and conflicts of a non-international nature. It is also prohibited to assist, encourage, or induce anyone to engage in any activity prohibited by the convention.

I am not going to go through every article, but there are a couple that I do want to mention.

One of the other pieces that many people have spoken about is important to acknowledge. There is a victim assistance clause under article 5 of the convention, which adopts a holistic view of victim assistance by requiring state parties to ensure that victims of cluster munitions can enjoy their human rights. It notes that state parties are obliged to provide assistance to cluster munition victims, including medical care, rehabilitation, and psychological support, and to assist their social and economic inclusion. Cluster munition victims include all persons directly impacted by cluster munitions, as well as their affected families and communities. It continues that state parties must develop a national action plan to implement victim assistance activities and to designate a national focal point within their government for coordinating all matters related to the article. The article further stipulates that in their work on victim assistance, state parties must consult with and involve cluster munition victims and organizations working on this issue. Furthermore, state parties should integrate victim assistance work into existing mechanisms to make it more cost efficient and effective.

Another article I want to mention is article 21. It is a somewhat unfortunate article that Canada worked to have included, one that allows for continued military interoperability. In it, state parties are required to promote universalization of the convention to notify states not party to the convention of their treaty obligations and to discourage states not party to the convention from using cluster

munitions. Moreover, state parties may engage in military co-operation and operations with states not party to the convention that might engage in prohibited activities, but must still respect their article 1 duty to never assist anyone with any prohibited act.

It is troubling that Canada worked to have this included in the convention. We hoped that Canada would work hard to convince every country with whom we have co-operative relationships to ratify the convention. They would sign the convention and then ratify the convention domestically. That would be a much preferable role for Canada to play on the international stage.

I want to touch for a moment on a story from a woman who removes cluster munitions in her home country. This article from the *The Guardian* of August 2011 is as relevant today as the day it was written. The headline reads, "I feel like I've saved a life': the women clearing Lebanon of cluster bombs". The sub-heading reads, "An all-female team is doing the hazardous and painstaking work of removing unexploded...ordnance from the 2006 war". It states:

Cluster bombs burst open in mid-air and release bomblets that are supposed to detonate on impact, but many of the ones fired on Lebanon did not explode, lying on the ground instead like landmines with the potential to blow up at any time. The women's team works in tandem with other teams of searchers, all co-ordinated by the Lebanese army, to clear up the unexploded ordnance that still litters the countryside.

● (2150)

The woman in the story says:

Women are more patient than men. That is why we are good at this job. We work more slowly and maybe we are a little more afraid than men. Whatever the sex of those searching the undergrowth, the risks are still the same. One careless move, and they could lose a leg. The previous day, a searcher in another mining team was injured, reminding everyone of the dangers of the job. Everyone has their blood type embroidered on their vest for good reason.

Can anyone imagine doing a job where, when people go to work, they have their blood type on their shirt or vest so that if something blows up or they are injured in some way on that job, they can be automatically blood-typed so they can get immediate assistance? Imagine working in those kinds of circumstances.

The woman goes on to say:

"My kids always worry about me, especially yesterday when they heard about the accident", says Abeer Asaad, team member and mother to five daughters. "They asked me to quit my job yesterday, they were so scared.

"I was unemployed when I heard that NPA was recruiting women for a de-mining team and I applied without telling anyone, not even my husband. When he found out he didn't want me to do it. I was scared too. Just hearing the word 'bomb' would make you scared. But when I began to work it was different, especially when you are careful all the time and follow the rules. You need to be alert and focused when you are in the field, and you must check the ground slowly".

Zein too says her family have come to accept her job after four years in the field. "I was an English teacher for eight years. I wanted a change, and this could not be more different than teaching".

"Of course, my family was worried but now they ask me everyday how many clusters I found, how many I destroyed".

She is the only woman in the country to be trained in explosives demolition and at the end of the day detonates the bomblets they find. "I am so happy when we find them and I can carry out what I have been trained for".

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In the story she says that when she does it, she feels like she has saved a life or she has saved a child from a maiming that would alter his or her life in a way that we cannot even imagine.

Later in the story, the author talks about a case of how random and how accidental this can be:

It was a year after the war that Rasha Zayyoun joined the list of casualties. Life had been returning to normal for the then 17-year-old and her family after the devastation of the previous summer. Her father brought home a bushel of thyme he had harvested for Rasha to clean, but neither of them noticed a bomblet hidden among the leaves. As she began work her finger got caught on the device and thinking it was a piece of rubbish, she threw it aside. As it hit the ground it exploded. Rasha lost her left leg below the knee.

"It was so painful. It was like torture", she said at her family home in the village of Maarakeh where she is trying to build a life for herself as a dressmaker. "I have a prosthetic leg now but I can only walk for a few minutes on it".

Stories like Rasha's are what make Asaad sing and dance when she finds a bomblet.

"I feel like I have saved a life", she beams. If I find a cluster and take it out, then there will be no victim from it. The feeling is beyond description".

What we have are teams of men and women all over the world, taking their lives in their hands as they try to clear their countries of these extremely dangerous munitions. I reiterate that we only hope that Canada will play a role on the world stage where we would not have to have this debate because those munitions would not be used by any country in any circumstance.

I have another paper that is a pilot study on technical and non-technical considerations when developing and implementing new technology for the humanitarian mine action community. This is a very good article because it talks about the social, political, cultural and other economic influences on mine action operations. The article talks about the fact that it is not a simple matter to go into countries and remove these munitions, whether land mines or cluster munitions, and that there are numerous social, political and cultural factors that need to be included, like education levels which affect the productivity and ability to use high-tech equipment.

Culture affects the choices of the kinds of tools that can be used because in some countries dogs cannot be used because of some cultural factors. Biotechnology introduced for the purposes of mine action could disrupt the indigenous environmental balance. National governments' interference or support will impact productivity and clearance rates of the operation. There are many factors, and I have not had time to even begin to talk about the impacts on the economy.

● (2155)

When people know, for example, that farm fields have been infiltrated by cluster munitions, what does that do to the productivity of the men and women who have to go and work those fields? It is as simple as the story about picking a time and having their life changed as a result of that.

The NDP will be opposing the legislation. We hope there will be some room for further amendments.

**Mr. Ray Boughen (Palliser, CPC):** Mr. Speaker, for the last two evenings I have listened to interventions on Bill C-6 from the ladies and gentlemen across the floor who have said that this is a badly flawed bill. I have not heard what those flaws are. I have heard about some shortcomings of cluster bombs, and I knew about those beforehand, but maybe we could have one of the speakers share with us what those flaws are.

**Ms. Jean Crowder:** Mr. Speaker, I did touch on that in my speech. I talked about the convention itself and article 21, which allowed for the interoperability. Canada worked to have that included in the original convention.

I mentioned clause 11 of Bill C-6, as did many other speakers. It goes even beyond the interoperability allowance in the convention. The main problem is that it establishes an extremely broad list of exceptions, so it is very problematic.

Members from the NDP and other members have been very clear. The member for Ottawa Centre clearly outlined the problems with clause 11 and outlined why we were opposed to the bill, so I am reiterating that. In essence, something has to be done with clause 11.

● (2200)

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Speaker, in response to my friend from Palliser, I think we have had a very detailed debate in terms of the places where the bill is deficient, and woefully so.

We know that clause 11 includes far too broad a carve-out. It goes well beyond protecting Canadian troops from inadvertently violating the cluster munitions treaty. If we had used the same kind of language for interoperability that is found in the Ottawa land mine convention legislation, we would not be having this long debate now. We would all be united and proud of Canada for bringing in domestic legislation which meets the letter and spirit of the cluster munitions treaty globally.

This legislation fails to do that by having too a broad a carve-out, allowing too many operational engagements between Canada and obviously our ally, the United States, which has not yet ratified and has apparently no intention of taking the steps that any civilized country should take to eliminate cluster munitions from the face of this earth.

We have been detailed about the changes. I, personally, have put forward amendments in committee. They were all defeated. I am grateful the parliamentary secretary did bring forward the amendment to remove the word "use", but we are allowed to invest in cluster munitions and we are allowed to participate in operations involving cluster munitions. We have failed to take the steps that were within our reach.

**Ms. Jean Crowder:** Mr. Speaker, I have been here for 10 years now and I have experienced many occasions where the Conservative government, in particular, has violated the spirit and intent of an agreement.

I have been the aboriginal affairs critic for most of the time since 2006, so I can talk about the spirit and intent of treaties of first nations and how consistently that spirit and intent is violated.

*Government Orders*

When I come back to general obligations under article 1 in the convention, it closes by saying that it is also prohibited to assist, encourage or induce anyone to engage in any activities prohibited by the convention. There is a spirit and intent in article 1 of the convention that surely would make it incumbent upon the government to honour the spirit and intent of the convention by working with its allies and its partners to encourage and support them to stop the use of cluster munitions.

Everything we do to undermine the convention also undermines the spirit and intent of that convention.

[*Translation*]

**Mr. Raymond Côté (Beauport—Limoilou, NDP):** Mr. Speaker, I thank my colleague from Nanaimo—Cowichan for her speech.

I cannot help but react to the question from the member for Palliser because of the parallel that is drawn, for instance, with the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. Article 1 is very clear. It states that each state party to the convention must never use, develop, produce, acquire, stockpile, retain or transfer to anyone anti-personnel mines. This does not prevent the convention from allowing the retention of a small number of anti-personnel mines for training in mine detection, clearance and destruction.

Canada is a signatory to this convention. This bill to ban the use of cluster munitions creates some enormous loopholes that contradict the other commitment we made to ban anti-personnel mines, which has not caused problems with our allies, including the United States.

I would like my colleague to comment further on this precedent, which shows the direction we should have taken with Bill C-6. We should even have gone further in order to ensure that cluster munitions are banned.

• (2205)

[*English*]

**Ms. Jean Crowder:** Mr. Speaker, I want to turn to Earl Turcotte, the former senior coordinator for Mine Action at DFAIT. Others have noted that he was the head of the Canadian delegation to negotiate the convention. His words are telling because he was part of that process. He said:

—the proposed Canadian legislation is the worst of any country that has ratified or acceded to the convention, to date.

It fails to fulfill Canada's obligations under international humanitarian law; it fails to protect vulnerable civilians in war-ravaged countries around the world; it betrays the trust of sister states who negotiated this treaty in good faith, and it fails Canadians who expect far better from our nation.

That is a damning comment on this legislation by somebody who was at the table in the negotiations. Therefore, I would again encourage all members of this House to look seriously at Bill C-6 and look for ways to amend it so we can respect the intent of the convention.

**Hon. Gordon O'Connor (Carleton—Mississippi Mills, CPC):** Mr. Speaker, I have a few points for the member. It has already been said that we will not use cluster munitions. Even though we had them a while ago, we did not use them and we will not use them in the future because we will not have any. That also means we will not produce, stockpile, transport and, as I said, use munitions.

I listened to the member's explanation of article 21. It sounds okay to me. I do not have any problems with article 21.

The other point I want to make is this. If our troops are in battle with the United States and an airstrike comes in, the Americans would not tell us what they would strike with; they would just tell us to stay out of a certain area. It may be cluster munitions; it may not be cluster munitions. In that case, they have not signed any treaty so it is okay for them. We have signed a treaty so we cannot use them, but we would take advantage of it if it is there. We would not walk away from it. It would be silly to do that. We would not say to our American neighbours that we would not ever go to war with them because they had cluster munitions.

**Ms. Jean Crowder:** Mr. Speaker, I respect the member opposite. I know he served for a number of years with the armed forces. I will self-declare that I grew up in the military. My father was a career soldier, so I am very familiar with the challenges that our armed forces personnel face. They risk life and limb for us all and I recognize the challenges in that.

However, I also recognize the fact that Canada has a role to play here. In the past we proudly were often the one that people looked to as a nation that would broker agreements and move initiatives forward. I still believe Canada has a role to play in working with its allies to have them cease and desist using these kinds of munitions.

All members of the House agree that the use of cluster munitions is a humanitarian problem and that it affects civilians disproportionately. I believe there is not one member of the House who supports the use of cluster munitions and wants to see that kind of damage occur in countries. We need to take that goodwill and that sentiment and do everything in our power to ensure our allies are not using those munitions as well.

**Mr. Kevin Lamoureux (Winnipeg North, Lib.):** Mr. Speaker, it is with pleasure that I rise today to express a few thoughts on what the Government of Canada could have and maybe should have been doing to say to the rest of the world that Canada wants to play a strong leadership role in an area where there is a great deal of concern. That opportunity has been somewhat lost through the way the government has brought forward flawed legislation.

I approach the discussion as a member who served in the Canadian Forces. It was not necessarily through my direct service that I acquired experience. It was more from things that occurred indirectly. As members of the forces, we are quite often required to get out and meet with veterans. I served during the 1980s, when there were a significant number of World War II veterans. Some members might be aware that cluster bombs were first used in the Second World War. They were used by the Germans.

I have had many discussions with World War II veterans in my capacity as a member of the Canadian Forces. Unlike what we might see in movies that glamorize war to a certain degree, there are a great number of horror stories.

*Government Orders*

These are real people. We thank God for them, and we compliment them for their bravery and all the freedoms they have garnered for us. However, the war and its impact on the lives of those who directly fought in it is profound.

The types of weapons that were used will have had a significant impact on the veterans' views. We talked about D-Day. They were getting off landing craft and charging onto a beach with their brothers falling to their left and right as they ploughed their way through all sorts of war machinery and ammunition being aimed at them.

Something that can be gained by reflecting on our past actions and wars. Weapons have caused so much collateral damage that we would find that veterans and current members of the regular forces and the reserve forces would have strong opinions about the issue we are talking about this evening. I have often made reference to some of the horror stories that are out there. I can assure members that there is no lack of opinions among members of our forces.

● (2210)

I made the assertion that I believe that no member in the chamber is going to advocate the benefits of this type of weapon. It should never be glorified in any fashion whatsoever. We recognize the harm that has been done by this type of munition.

When I stand to speak to Bill C-6, a number of things come to my mind. The first is getting people to realize what cluster munitions are. A bomb can come from the ground or from a plane. In essence, it is a hollow shell that will open and within the cavity will be anywhere from a half-dozen up to 2,000-plus munitions that are designed to explode, but not necessarily once they hit the ground. There are all sorts of different types of cluster bombs. Sometimes a cluster bomb will release its contents and as it hits the ground, there will be a massive explosion that will cover the size of a football field. Anything within that perimeter will be virtually destroyed. That includes the loss of lives and limbs and horrendous destruction.

What we do not necessarily appreciate is that when those 2,000 little explosive devices hit the ground, a high percentage never explode. We are not talking about two or three or four; we are talking about hundreds. As some people have referenced, they are not necessarily obvious bombs that someone who is walking in a field would notice and know was a bomb.

Let us say that 2,000 are dropped. Some would estimate that as many as 400 to 600 would not be set off. Even after the war has come to an end, 400 to 600 little bombs from one cluster bomb could be waiting to be set off. That is why in countries where there are no active wars, there is still destruction and the loss of life and limbs. The bombs are still in the fields and have never been set off or found. It is a very costly venture, after a war, to identify the areas where there is a high concentration of cluster bombs and to send a workforce to clear the ground.

● (2215)

Let us say, for the sake of argument, that we came up with the resources to send in massive numbers of well-protected people and machinery to identify and dispose of those hundreds of thousands of little bombs. We would not get all of them. Thousands would remain, even if we could get the money to do the clearing that many

believe is absolutely essential. It is exceptionally costly, and in reality, for many of the countries that have this issue, they just do not have the resources to deal with it.

As a result, what ends up happening is that someone farming in a field or a child playing in a field will find a bomb that has not gone off. Then there is yet another horror story. We know that when they are set off from the ground or from an aircraft that the damage is indiscriminate. They do not discriminate between civilians and military personnel, or children and people in their thirties or well into their sixties. They affect everyone. In fact, during World War II, when the Germans first used cluster bombs, they were not designed to attack just the military. They were meant to cause damage to both the military and civilians, and they were exceptionally effective.

These bombs are designed to kill personnel and destroy vehicles. There is a high level of recognition around the world of how destructive these bombs can be. As a result, there was a Convention on Cluster Munitions. It took place in Ireland in 2008.

I have suggested that the Government of Canada had an opportunity to play a strong international leadership role on what is a very important issue. Unfortunately, it has fallen short in two ways. First, it has not approached this issue in a timely fashion. Remember, this agreement was signed back in 2008, and here we are in 2014. One could question why it took the government so long to bring forward this legislation.

Well over 100 states signed the cluster munitions convention. Approximately 80 of them, maybe a little more, have actually ratified it. Canada was one of the countries that signed, but we still have not ratified it. One would have thought that Canada was in a wonderful position to demonstrate that we understand the need to deal with the issue in a tangible way.

● (2220)

I have had the opportunity to raise this in some of the questions and answers. This is the second part that I am making reference to. That is the loss of opportunity to demonstrate international leadership. I made reference to the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction.

The similarities are amazing in terms of how countries from around the world came together in 1997 and this took place here in Ottawa. It is known as the Ottawa treaty. Prime Minister Jean Chrétien and someone I am very proud of, local Manitoba member of Parliament Lloyd Axworthy who was the minister of foreign affairs at the time, went out of their way trying to make something happen. It is interesting that shortly after that Mr. Axworthy was nominated for a Nobel Peace Prize because of his efforts.

In the late nineties, Canada was able to demonstrate very strong tangible leadership on this and it had an impact. Yes, there are some countries around the world that still have not signed on and ratified, or chosen not to be a part of it, but we did. I am not 100% sure of this, and I suspect if I am wrong my colleagues across the way and my friends in the NDP will quickly point it out, but I believe that there was likely unanimous support at the time here in the House for that. If I am wrong on that point I would ask that members raise the issue in the form of a question.

*Government Orders*

The difference is that members recognized back then the importance of the issue and how we were able to not only develop the issue and get countries around the world to sign on and ultimately ratify it, but we were also able to get the necessary legislative requirements in Ottawa to ratify it. I believe that all political parties supported it at the time of its passage.

Fast forward that to today. Where are we today? If the truth be known, this is not the first time we have had the bill here. We had the first reading of Bill S-10 by the Minister of Foreign Affairs. This is not the first time we have had this legislation. I would like to think that had the government brought in the legislation and worked with the opposition, we would have been able to amend the bill before us this evening and it could have received the support of all political entities in the House. That is not going to happen because the government has chosen not to reflect what was ultimately wished for in the convention Canada signed on to in 2008.

● (2225)

I would challenge the government to recognize that we are still not too late, that with the right political will, we can make the changes that would in fact make Canada once again demonstrate good, solid, sound leadership. That is the challenge I would leave to the government.

● (2230)

[*Translation*]

**Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP):** Mr. Speaker, it is not the first time that Canada has banned the use of certain weapons by way of an international convention, whether it be for poison gas, bacteriological weapons, or even nuclear weapons—which we call weapons of mass destruction.

We have been invited to participate in another ban. We are being called upon to pass Bill C-6, which involves a ban that all members of Parliament are in agreement with. They do not want to see weapons of mass destruction. Through the back door, however, Canadian soldiers are being asked to engage in combat operations where they can take advantage of these weapons, and even participate indirectly in their deployment and use. That is the problem.

[*English*]

**Mr. Kevin Lamoureux:** Mr. Speaker, as I started off with in my comments, I genuinely believe that all members of Parliament here in the House today recognize the type of collateral damage that cluster munitions cause and that, if it were up to all members in the House, this weaponry would not exist anywhere in the world.

I am appealing for us to look at the convention that we signed and ask the question, does the current legislation really reflect what is being asked of us, in terms of what we had agreed to and what we had signed?

I believe that we have not met the challenge of the agreement that we signed. That is why I am suggesting that, ultimately, for us to be able to do that, we need to get the government to recognize that it still is not too late to make the modifications that would allow us to demonstrate that leadership that we should be demonstrating.

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Speaker, I thank my hon. colleague from the Liberal Party for weighing in on this debate.

Certainly, I think it is fair to say that all the parties in opposition are very concerned that we are about to pass legislation that would fall far short of the objectives of the treaty that Canada has signed.

I am particularly concerned that there is so much in the treaty that calls for us to take leadership. We are a long way from leadership now. We are at a position where many of our allies are concerned. We have seen other countries interpreting this convention as meaning that in order not to assist in cluster munitions there must be a specific prohibition against financial investment and contributions.

However, we were told earlier tonight by a Conservative member that it was somehow too difficult and could not be done.

We know other countries have brought in legislation much stronger than our own, countries that are also in NATO, countries that also participate with the United States. The singular failure to at least be in the middle of the pack is grievous to all of us in the opposition benches.

**Mr. Kevin Lamoureux:** Mr. Speaker, I talk a lot about leadership and how it is lacking on many different fronts. This is yet another one of those files where I do believe that the government has made a mistake.

All we need to do is take a look at when the agreement itself was signed. We are talking about 2008. How difficult would it have been for the government to have brought this in four or five years ago? Not in its current format, but in a modified format, four or five years ago in itself would have demonstrated more leadership on the file.

The leader of the Green Party does make some valid suggestions about other things that we could have done to complement and to enhance.

**Mr. Massimo Pacetti (Saint-Léonard—Saint-Michel, Lib.):** Mr. Speaker, that was another great speech from my colleague, the member for Winnipeg North.

We have been hearing from the government side that ratifying this convention or treaty is going to enhance our reputation on the worldwide stage. My colleague referred to our position and how our reputation is being viewed across the globe. He mentioned the fact that this treaty has been hanging around for eight years now. This bill has been in Parliament. I think it was tabled twice since the last election.

I would like to ask the member how it enhances the reputation of Canada when in fact we do not see any signs of that, by actually ratifying this treaty?

● (2235)

**Mr. Kevin Lamoureux:** Mr. Speaker, the best way to answer that is to demonstrate contrast.

*Government Orders*

The best way to demonstrate the contrast in this issue is to compare the land mines agreement to cluster munitions. With the land mines, what we had is Ottawa leading the charge. It became the Ottawa treaty. We had countries around the world signing on and then ratifying it. Canada did likewise. This was done in a very timely fashion. It was done in a very effective way. Then we had a minister of foreign affairs who went around talking about why Canada did what it did.

Let us contrast that to Bill C-6, formerly Bill S-10, before that, just waiting on the back burner, even though it was signed off on in 2008. The only time we hear the government talking about it is when it periodically shows up for debate late at night.

Do members not think that other nations around the world recognize the difference between the two? We lost the opportunity, because we set the bar high in the late 1990s. Now the bar is a whole lot lower.

I am going to suggest that the government has dropped the ball on this. It would have been an excellent opportunity to demonstrate strong international leadership.

**Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP):** Mr. Speaker, it is not my practice to give kudos to Liberals. I have to say to the member for Winnipeg North that that was probably one of the better speeches I have heard him give in the House. I will not give it a rating number.

I will say that the member has identified a couple of interesting things, particularly the delay and the length of time it took for this work that was started, in fairness, by the Liberals in their day. That is all he is going to get.

I want to ask the member a question. The member for Nanaimo—Cowichan was talking about how article 21 on the interoperability is almost contradicting what was laid out in clause 1. That leaves Canada open to significant worldwide criticism.

**Mr. Kevin Lamoureux:** Mr. Speaker, the member demonstrates that, if one talks enough, sometimes one is bound to say some things right.

I do not have the bill in front of me at this present time. What I can tell the member is that there were fairly detailed explanations within the convention that was signed off on.

When we take a look at the legislation that we have today, we see the government is providing its own personal interpretation as to what it believes is necessary, and it feels it is in compliance with the convention that it signed off on.

I believe, as the Liberal Party believes, as I understand the New Democrats and the Green Party believe, that in fact its interpretation is wrong. That is one of the reasons why there were amendments moved.

The government has not been able to justify not accepting those amendments. That is the reason why it is not going to get the type of support as when we had the land mines treaty being ratified.

● (2240)

**Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP):** Mr. Speaker, I would like to start by letting members know that I will be splitting my time with the member for Hull—Aylmer.

Despite the late hour, I will try to do justice to what I think is a very important topic before us this evening, Bill C-6.

I have to say that it is strange to be starting a speech in the dark of the night on something that could have been before us, and should have been before us, much sooner. This convention was agreed to in Dublin in May of 2008. It was signed in Canada on December 3, 2008. It actually entered into force in 2010, when I think 30 nations had ratified it. However, the first version of this bill was only tabled in the House of Commons in December 2012, which was 18 months ago.

We are now debating the bill under time allocation, suddenly, and I am not sure which time allocation it is, as there have been several since then. However, we are now up to about 75 time allocations. Again, it is a strange sense of priorities from the government.

What we have in front of us is a bill to implement an international treaty. The bill, now at third reading, is still very much in the same form as when it first came to the House. There has been only one small amendment, but I agree that it was an important amendment. Unfortunately, what we still have before us is a bill that contradicts and undermines the very international treaty it is supposed to implement.

Our official opposition foreign affairs critic, the member for Ottawa Centre, has tried very diligently to work with the government on this implementation legislation, all the way back to its original iteration as a Senate bill. He has been trying to make sure that it actually matches the treaty that we signed.

The member had a very practical suggestion, which was to take article 21 from the convention, the clause dealing with interoperability with non-party states, and get agreement to substitute it for clause 11 in the bill before us. It is clause 11, for me, that is the main problem with this legislation. However, it is less of a problem after the amendment than it was previously, because before that amendment there was a very serious problem.

The initial problem with clause 11 was that it would have allowed Canadian Forces to use cluster munitions in some circumstances. Therefore, I am thankful for the amendment, which the government agreed to, to remove that explicit permission for the use of cluster munitions. It is an important change. However, I have to say that when we think about the treaty we signed, it is hard to imagine how that ever got into the original draft of an implementation bill, because it was so clearly contradictory of the intent of the convention.

Still, even after the small amendment that took out “use”, the bill, under clause 11, would still allow Canadians to participate in and even command operations using cluster munitions as part of joint operations. To my mind, and I think to most observers, this clause still undermines the treaty, the purpose of which was to ban the use of cluster munitions.

*Government Orders*

Of course, New Democrats are not the only ones raising these concerns. They have been raised by international civil society groups, by Canadian civil society groups, and perhaps most tellingly, by the Canadian who negotiated the treaty on our behalf. The head of the Canadian delegation negotiating this convention, Earl Turcotte, resigned from DFAIT and has subsequently called the proposed legislation "...the worst of any country that has ratified or acceded to the Convention on Cluster Munitions."

Most interesting to me is to remember the role of Canada at these negotiations. This role was in great contrast to our previous traditional leadership role when it came to negotiating weapons treaties. In this case, Canada's role was to try and get article 21 added to the treaty. This is the article that provides for interoperability with non-party states. Since Canada succeeded in getting that added to the convention, it is hard for me to imagine why the government finds itself in a position of creating even larger loopholes through clause 11 in the bill. Let us remember that 113 countries have signed the convention and 84 have ratified it.

Why is clause 11 there? I believe it has come out of an inordinate concern about interoperability with the United States and subsequently from a parallel concern about the protection of Canadian Forces members from liability when participating in joint operations that use cluster munitions.

There would be two ways to solve this problem. The way the government has decided to do it is to create a loophole that would let Canada out of its legal responsibilities. The other way would have been to conduct negotiations with the United States about joint operations to make sure that Canadians did not place themselves in a situation in which they would be in violation of the convention.

• (2245)

If we entered those negotiations, we would actually advance the goals of the convention and help try to bring the United States, or any other country that is not a signatory, under the convention. Instead, as I said, the government has chosen to create a larger loophole.

There is a list of 84 countries that have ratified this convention without seeing the need for loopholes like those in clause 11. This includes NATO countries like Spain, Germany, France, the United Kingdom, and Italy. It includes traditional allies of Canada like Australia and New Zealand. It includes countries like Ireland, Sweden, and Switzerland.

As members on the other side have pointed out, some of these countries do have interoperability clauses in their own legislation. However, those clauses are consistent with article 21 of the treaty, and that means that their interoperability clauses allow participation in joint operations only when that participation does not involve assistance with acts explicitly prohibited by the convention.

What kind of weapons are we talking about here? These are weapons that can be delivered by a variety of means, by aircraft, artillery, or rockets, but what is most pernicious about them is that they release hundreds of small explosives over a very broad area. These devices individually are often as small as a battery. They are devices with a very high failure rate, up to 30%, which leaves a large unexploded ordnance problem behind. We know that 98% of the

recorded casualties from cluster munitions have been civilians. This makes cluster munitions most similar in their impact to the problems left behind by land mines.

Land mines are phenomena that I had occasion to become personally familiar with some time ago. When I went to Afghanistan in 2002 as a human rights investigator, I was required to complete a high-risk personal security training course conducted by the British military. At that time, I learned how to recognize land mines and how to extricate myself from a minefield.

That was all theory until I actually arrived in Afghanistan. What struck me most was the very large number of people on the streets each day missing a limb, most of them children. Almost every day that I was there, we ran across more examples of civilians losing limbs as a result of those land mines.

Land mines later became a more personal reality for me when I was travelling across the country and we stopped to heed the call of nature. I went to step off to the side of the road, but luckily and helpfully our driver pointed to two lines of rocks on either side of the road delineating the boundaries of where mine clearing had taken place. Despite the hard work Canada had done to bring the world together to ban anti-personnel mines in the Ottawa treaty signed in 1997, five years later I found myself on the side of a road about to take a step too far.

As an international observer, I had the luxury of going home at the end of a four-month tour and not having to live every day with the threat and the impact of land mines.

I also had the privilege of going home very proud to be a Canadian whose country had played such a prominent role and such a positive role in trying to end the scourge of land mines.

Here I am late at night a decade later in a debate on cluster munitions that makes me much less proud to be a Canadian.

Let me be clear. I am not accusing members on the other side of favouring the use of cluster munitions, but I do think that their excessive concern with U.S. interoperability has led them to introduce legislation that leaves the door open to that use. It is not just about the use of cluster munitions by others, but it also leaves the door open to Canadian complicity in the use of these weapons.

It is bad enough, in my mind, to have worked so hard to get an interoperability clause into the convention itself, but it is still worse to provide larger loopholes like those provided in the language in clause 11 of the current bill.

Instead of, at minimum, sticking to the language that we already had inserted into the convention, we have, as I said, created a larger problem. That is why on this side of the House we worked very hard to try to get an agreement from the government to amend the bill to conform with the language of the convention.

Let us remember that cluster munitions do not just harm civilians. In 2006 in Afghanistan, 22 Canadian Forces members were killed and 112 were wounded by land mines, cluster bombs, and other explosive devices.

*Government Orders*

I look forward to the day when Canada returns to its traditional leadership role in weapons reduction and when we lend our weight to the total abolition of cluster munitions, instead of trying to tunnel loopholes through the convention.

• (2250)

We have here two competing values. On the government side the value of continuing co-operation with the United States and interoperability, and our common goal of trying to eliminate the use of cluster munitions. I believe the government has clearly placed the wrong priority on one of these over the other. For that reason, members on this side of the House will have to vote against a bill that otherwise might help advance a very worthy cause.

[*Translation*]

**Mr. Raymond Côté (Beauport—Limoilou, NDP):** Mr. Speaker, I would like to thank my colleague for his speech. His remarks were moving because he shared with us his personal experience of what he went through during his travels to Afghanistan for the implementation of a land mine treaty.

Another troubling thing that affected my colleague was how slowly the government moved and the long and roundabout way it took to introduce legislation, when Canada participated in the negotiations of the present convention on the use of cluster munitions several years ago, in 2008, in fact.

I would like him to talk about the government's foot-dragging, not to say its near-total inaction with regard to Bill C-6. That does not even include its undue delays after introducing the bill and with regard to the treaty banning the use of land mines, when Canada had signed the convention, in addition to ratifying it, on December 3, 1997. That was a very strong and very clear act of leadership.

[*English*]

**Mr. Randall Garrison:** Mr. Speaker, of course I am quite mystified by the government's sense of priority and timing. When we bring things forward, things are introduced and then they make no progress. Then suddenly they have to go through immediately and they have to be subject to time allocation.

I think there has been some speculation that having signed the treaty, the government spent a lot of time consulting with the Canadian defence forces, which at that time had as chief of staff Rick Hillier, who had spent a lot of his time embedded with U.S. forces. I suspect they spent a lot of time trying to figure out how they would solve the problem of interoperability and its obvious contradiction with the land mine treaty.

I would say it must have taken them quite a while to come up with a solution, which I think is no solution at all.

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapusksing, NDP):** Mr. Speaker, earlier my colleague from Nanaimo—Cowichan spoke about a lady in Lebanon who has basically taken it upon herself to be trained to remove, to disarm, and to get rid of these cluster munitions. It is unbelievable how one person can actually make a difference. As my colleague said, this lady used to be a teacher.

When we are looking at the fact that half of the victims are children and we see a government that says it prides itself on looking after victims, it is quite disconcerting and problematic for us to see a

government turn a blind eye as to what is really happening to these children, and the positive impact that such a small change in the bill could actually have.

So many other countries and some agencies have spoken against what the government has put in its bill and refuses to remove. Some of these agencies actually support people in times of difficulty, like the Canadian Red Cross. Could my colleague elaborate on that?

**Mr. Randall Garrison:** Mr. Speaker, I would start by saying in my experience in Afghanistan, I was able to travel around the country because of very brave people who had done the mine clearing ahead of where I needed to travel. I have seen first-hand the effects on civilian populations, not just in the injuries, but in the constrictions it places on everybody's life, and the very valuable work that people do who support trying to remove the aftermath of land mines and cluster bombs.

I will say again, I would really hope that Canada would lend our full moral weight to the movement to ban these kinds of weapons forever. The only way to do that, I think, is to remove section 11 from the bill so that we are very clearly saying, even to our closest allies, these are not acceptable weapons.

• (2255)

[*Translation*]

**Ms. Nycole Turmel (Hull—Aylmer, NDP):** Mr. Speaker, I am pleased to rise in the House to speak to Bill C-6. Several of my colleagues have already spoken about it. Although we essentially agree with the agreement that was signed, we can no longer support Bill C-6 because of the additions that the government made.

Over the course of our careers, we have heard a lot of talk about land mines and we have been made aware of that issue. My colleague from Nanaimo—Cowichan spoke about the images that we see on television and the stories that are told about people who have been affected by these weapons and children who have been maimed by this type of explosive years after the conflict has ended in many countries. Even today, even after the wars have ended, this problem still remains. That is very unfortunate, and we should take a lesson from that.

People are always saying that we need to remember history and that we need to talk about it in order to prevent those sorts of things from happening again.

The effects of the cluster munitions that we are talking about today are just as devastating as those of the land mines we are all so familiar with. It is important to point out that 10% to 40% of these submunitions do not explode immediately. They remain in the ground for many years.

This reminds me of a file I worked on. A veteran came to see me. He talked about the explosion that happened at Valcartier 40 years ago. By the way, there will be special memorial ceremony this summer to mark the 40th anniversary of that incident.

Some young cadets were transporting grenades, and one of those grenades was live. Some of these young people died, while others lived but still carry emotional and physical scars 40 years later.

This man, who was in charge of the cadets, was still crying as he talked to me about it.

*Government Orders*

When I hear talk about land mines or cluster munitions, as a mother, a grandmother and a person who sees the destruction caused by war and the use of these weapons, I think that we should learn a lesson from this and that we should immediately stop doing this type of thing. We have the opportunity to do so today. We have the opportunity, as leaders, to refuse to say that we have no choice because the countries that we work with did not sign the agreement and have the right to use them. Yes, we have a choice. Instead, we should be working to dissuade those countries from using them.

I would like to give an example. Paul Hannon, the executive 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.

Why would we pass watered-down legislation? Why would we not take this opportunity to show the world that we can take a leadership role, using the examples I mentioned earlier, to demonstrate that this should not be happening? We need to stop it. It is our duty.

We also know that 98% of injuries caused by cluster munitions are inflicted on civilians. Civilians who give of their time to work on destroying these mines are injured.

As I said, we just need to think about the examples that my colleague gave earlier, the stories we see on television and what we hear from people who have been affected.

It is clear to us that these weapons need to be banned. We need to show some leadership.

● (2300)

We have stood by Canadian and foreign civilian organizations that are calling for this bill to be amended.

I am very disappointed that the government rejected the amendment we proposed last Tuesday to clause 11 of the bill. It was very important.

The hon. member for Ottawa Centre spoke about it in the speech he gave earlier today. The amendment was designed to prohibit Canadians soldiers from being directly involved in the use of cluster munitions. The government wants to allow them to be indirectly involved in their use. That comes back to what I was saying earlier, that Canada would be following in the footsteps of countries that have not signed the convention. That is unacceptable.

We need to demonstrate once again that Canada is a country that can show leadership. Canada may never have experienced a civil war, but we are familiar with the consequences. Immigrants and new Canadians have lived through war and share those experiences with us. We never want to go down that road.

We want to maintain our soldiers' ability to work with other countries. However, we need to be sure that the Canadian Forces will never use cluster munitions.

Earlier, I spoke about one stakeholder in particular, and I would like to mention a few others who have similar concerns about this bill. Many experts share our view. I would like to share a few

examples that some members have already mentioned. It is important to repeat them.

Earl Turcotte, the former senior coordinator for mine action, who was the head of the Canadian delegation that negotiated the convention, said:

In my view, the proposed Canadian legislation is the worst of any country that has ratified or acceded to the convention, to date. It fails to fulfill Canada's obligations under international humanitarian law; it fails to protect vulnerable civilians in war-ravaged countries around the world; it betrays the trust of sister states who negotiated this treaty in good faith, and it fails Canadians who expect far better from our nation.

When you sign a convention, you have a duty to comply with it and not find roundabout ways to avoid fulfilling the obligations you committed to in that convention. That is what is going on here. That is what this government is doing, which is truly unfortunate for Canadians. It is also truly unfortunate for the leadership of our country and for Canada's image on the world stage. We must reject this; it is not too late.

The government should understand the consequences of what it is doing. We disagree with the bill because it does not honour the commitment that we made. This government has the means and the time to fix that. We must not accept the proposed changes, and we must move forward to protect our soldiers and the families, children and civilians who would be affected by this bill.

Mr. Turcotte is also concerned about the diplomatic consequences this flawed bill could have. He said that Bill C-6 constituted an about-face on several key commitments Canada made during the negotiations and when it signed the convention in 2008 and that the bill is an affront to the other states who negotiated in good faith.

Mr. Turcotte even resigned his position after 30 years of service at that organization. He could not accept that Canada would impose such a weak implementing legislation. That is what we must condemn.

We have experts, so why not listen to them? Why not pass the best bill possible?

Since my time us up, I will now take questions from my colleagues.

● (2305)

[*English*]

**Hon. John Baird (Minister of Foreign Affairs, CPC):** Mr. Speaker, the convention itself allows for interoperability. Obviously, we have important NATO obligations. We have to work with our closest friend and ally, not just in NATO but in Norad. The Obama administration has not signed on to this treaty. It is imperative that we work with the United States.

The government has been very clear that no Canadian service personnel have ever used these weapons. There are some stockpiles that have been in the possession of the Canadian Armed Forces for many years. They will all be destroyed.

*Government Orders*

There will be the odd person, perhaps we could count them on one hand, among our senior leadership who will have an interoperability training secondment with, for example, the United States, under President Obama, and we think it is important that the person benefits from the value of that training and experience. For example, Walt Natynczyk, a very distinguished Canadian general, would not have been able to assume that position if we had put that condition on.

We worry about the small legal liability. What if a member of the Canadian Armed Forces was fueling an airplane for the United States in Goose Bay? Would that member have to first confirm that none of these weapons were on board? We do not want to put the odd small number, very small, perhaps even a handful, of Canadian Armed Forces personnel at risk. No other government has raised any concern with me with respect to Canada's position on this, which certainly is contrary to what my friend opposite has said.

[*Translation*]

**Ms. Nycole Turmel:** Mr. Speaker, I appreciate the comments by my colleague and neighbour from the other side of the river.

However, experts believe that by signing this convention the signatories are violating the agreement they made with other countries. That is regrettable. By saying that we cannot find a way, we are not keeping an eye on the objective.

In my opinion, there is a way, and we have to demonstrate leadership in order to comply with the agreement we made when we signed this convention. I find it regrettable that we are holding back, doing nothing and saying that we cannot do anything. On the contrary, there is always a way.

Wars are started because people did nothing and decided not to take action. They did not show leadership.

[*English*]

**Hon. Gordon O'Connor (Carleton—Mississippi Mills, CPC):** Mr. Speaker, I have a couple of questions. First, the member mentioned a number of failures, and I would like her to explain what these failures are.

Second, I would like her to name three or four or five governments that are criticizing us and our actions on this, because I am not aware of anyone criticizing us.

[*Translation*]

**Ms. Nycole Turmel:** Mr. Speaker, we can look at what witnesses said. When organizations such as the Canadian Red Cross oppose the position of the government in power, that says it all.

Furthermore, the chief negotiator of the convention, who negotiated with the groups, is also criticizing what the government is doing. That speaks louder than any comments by my colleagues opposite.

I do not believe that following other governments is the answer to the problems we are currently experiencing.

• (2310)

**Ms. Ève Pécelet (La Pointe-de-l'Île, NDP):** Mr. Speaker, I will be sharing my time with the hon. member and esteemed colleague from Hamilton East—Stoney Creek.

I know that my colleagues are tired, but before I begin my speech I would like to ask them not to shout and interrupt me and instead listen to what I have to say. They can ask me questions afterward.

I am pleased to speak to Bill C-6, which is extremely important. How can we ratify a convention if we change it by adding amendments that will lead to a multitude of loopholes? It is like a contract. When we sign a contract, we are bound by it. The contract becomes null and void if we include a clause whereby it applies to us only if we decide it does. The same principle applies to a convention.

Why sign a convention if, in any event, we are going to pass a bill in the Parliament of Canada saying that the convention only applies when we say it does? The government is essentially trying to tell us that it considers the convention to be null and void. It is trying to shirk its responsibilities by passing a bill that cancels all the provisions of the convention.

It is important to repeat that Canada's former chief negotiator, Earl Turcotte, resigned because Canada's position on this was too weak. This gives us a taste of this government's approach to negotiating treaties. I would like to quote Earl Turcotte:

[*English*]

He said:

As Head of Delegation, I made all statements for the Canada during plenary negotiations. I know what I said on behalf of our country, with political and official-level support at that time. I also know how it was understood and ultimately agreed by all 108 negotiating states...

Bill C-6 constitutes a reversal of many of the key commitments Canada made during negotiations and by signing the convention in 2008 and is an affront to other states that negotiated in good faith.

[*Translation*]

According to the country's former chief negotiator, Canada is breaking the promises it made to the states that negotiated the convention. This is proof that the Conservative government negotiates in bad faith both here and abroad. Mr. Turcotte was a leader on treaties about this kind of weapon. He also negotiated the land mine treaty. The man's credibility is solid.

When Bill C-6 was debated in June 2013 as Bill S-10, Canada was in the process of sabotaging the UN Human Rights Committee's negotiations on sexual violence in conflict zones. The government refused to adopt a motion or make amendments to a motion about sexual violence against women and children in conflict zones. Why? Believe it or not, it was just because the negotiations and the discussions included a section about abortion, reproductive choices and women who are victims of rape.

Clearly the Conservatives have gotten stuck in an ideological rut since becoming a majority government. Their ideologies are right-wing. Whether we are talking about weapons, sexual violence, or the arms trade, Canada opposes those principles. This is about saving lives, not about—

*Government Orders*

• (2315)

[English]

**Hon. Gordon O'Connor:** Mr. Speaker, I rise on a point of order. I would ask that the member stay on the subject. Talking about abortion and other subjects does not have anything to do with the mines that we are talking about.

**The Deputy Speaker:** As the member for Carleton—Mississippi Mills knows, the range of relevancy here is so broad that just about anything is permissible. The argument, quite frankly, in terms of comparison, is made regularly by both sides of the House in debate, so in fact the debate is quite within the normal room we allow for relevancy.

**Ms. Ève Pécelet:** Mr. Speaker, I also remember a debate we were having in the House about asbestos, and all of his colleagues were talking about budget 2012; so relevance is quite a broad concept for the Conservatives when it applies to them, but when it applies to us it is different. We see the double standard here.

[Translation]

I am sorry the Minister of Foreign Affairs is gone. I wanted to ask him a question. If the Conservative government can neither conceive of nor tolerate the use of cluster bombs, why have we not heard the Conservative government take a strong stance on the use of these weapons in the Syrian conflict? Why has it not condemned the use of these weapons in conflicts such as the one going on now in Syria?

For example, in the House of Commons, the Minister of Foreign Affairs said that the convention was a back-door way of reinstating a gun registry or trampling on the right to own a gun. That makes no sense at all. This is about the international arms trade, armed conflict, war and military operations.

The Conservative government's ideology—and nothing else—has made it completely powerless on the world stage. That is totally unacceptable. Canada is abandoning thousands, maybe hundreds of thousands of victims around the world. Once again, the Conservatives are revealing their double standard when it comes to protecting victims.

I want to reiterate that the former negotiator walked off the job because the legislation was too weak, and it was proposed by a weak government. The Conservatives do not walk the talk. The government's international policy is weak and wishy-washy. Unfortunately this has been the case since the government came to power in 2006. The proof is that we did not win a seat on the UN Security Council. That says it all.

Canada is opposed to a motion against sexual violence and to the Arms Trade Treaty. What other gifts 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 men, women and children worldwide?

I have received several messages from people around the world, young people, who are asking Canada to change this bill. When children from other countries are sending messages to Canadian MPs begging us to change a bill, we are obviously way off the mark. 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. These countries are all allies of the United States and they have all had 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 shirk its responsibilities and shift the blame onto the United States and our own 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.

Canada should be a leader. It once was, but I think that, unfortunately, those days will soon be over. When we negotiated the land mines treaty, there was no question of having these types of clauses. Did soldiers suffer as a result of that treaty? No, they did not. Why does the government now want to change direction?

As I was saying, our position on land mines was clear. If memory serves, none of our soldiers suffered because interoperability clauses were not included in the treaty.

I would like to quote a former member of the Royal Canadian Air Force, who served in a war and used cluster munitions. He said:

• (2320)

[English]

...Canadian officials have cited the need for Canada to retain military interoperability—the ability to conduct joint operations with allies—as a reason for the loopholes contained in Bill C-6.

[Translation]

We are talking about a very experienced soldier who served for 25 years.

[English]

Interoperability is indeed vital. I saw that as the allies worked together to liberate Kuwait almost 23 years ago, but in 25 years in the military, from the cockpit of a ground attack aircraft to NATO headquarters and operational staffs, I saw nothing to suggest that a ban on cluster munitions would fundamentally affect interoperability. Indeed, many states have already banned them, but high-intensity coalition operations have continued.

[Translation]

It was Richard MacCormac, an experienced soldier, who said that the interoperability clauses will not prevent soldiers from serving in military operations. The Conservatives are misleading the House when they claim that our soldiers will suffer.

**Mr. Raymond Côté (Beauport—Limoilou, NDP):** Mr. Speaker, I thank my colleague from La Pointe-de-l'Île for her remarks and especially for calling the Minister of Foreign Affairs to order. The minister was yelling like a wild animal, which is beneath a man in his position, but absolutely not surprising. It was simply one more example of his lack of judgment. I thank my colleague for commanding a bit of respect in the House.

As far as my colleague's speech is concerned, I greatly appreciated the fact that she clearly exposed the fundamental contradiction of this bill, in other words this infamous clause 11, which makes the idea of banning cluster munitions impossible to achieve for all intents and purposes because of all the exceptions it includes.

*Government Orders*

I would like her to elaborate on the fact that the government will never achieve the objective of completely banning cluster munitions from Canadian operations.

**Ms. Ève Pécelet:** Mr. Speaker, I would like to thank my colleague for his question.

Unfortunately, I did not have time to talk about this article in more detail, but I know that Canada negotiated for several years to include article 21, the military interoperability clause, in the convention.

Canada negotiated hard for this, and even though many countries opposed the article, Canada succeeded in having it included in the convention. Now here we are in the House debating a bill that undermines what Canada fought to have included in the convention.

No doubt about it, the Conservatives make absolutely no sense. One the one hand, they went to the United Nations to negotiate inclusion of the interoperability clause, and on the other, they introduced a bill in Parliament that undermines the purpose of the clause they wanted to put in the convention.

Even I do not get it, and I would not know how to explain it to my colleague.

[*English*]

**Ms. Lois Brown (Parliamentary Secretary to the Minister of International Development, CPC):** Mr. Speaker, I want to remind my colleague that we had Brigadier-General Charles Lamarre, Director General of Operations, Strategic Joint Staff, Department of National Defence at committee to speak to us about the necessity of having the interoperability portion in this legislation. I would like to quote what he said in his testimony:

In this context, it is vital that our men and women in uniform and the civilians working with them are not unjustly accused of criminal conduct when doing what we ask of them in the interests of our national security and defence. Bill C-6 thus affords them the legal protection they need to do their job, as permitted by the convention.

Why does my colleague want to remove that legal coverage for our men and women when they are doing the job that we ask them to do?

• (2325)

[*Translation*]

**Ms. Ève Pécelet:** Mr. Speaker, I thank my colleague for her question.

She seems to have misunderstood the NDP position. The clear amendment that we proposed in committee was not about striking clause 11 from Bill C-6; it was about replacing it with article 21 of the convention. That is clear.

We do not want to remove our soldiers' legal coverage. We just want to replace it with the same clause that Canada wanted to add to the convention. My colleague is misleading the whole House when she says that the NDP wants to remove legal coverage. The truth is that we want to strengthen it.

[*English*]

**Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP):** Mr. Speaker, I must say that this is one of the more interesting debates that we have had in this House in a while. I do not doubt the sincerity of the government side in what they are saying, in spite of the heckling that goes on from time to time.

However, the fact remains, that as the official opposition, people bring concerns to us they may not want to share with any particular government. The concerns that we have raised from the various stakeholders and people of interest out there bring us to a place where we are in conflict with the view of the government side.

We believe that Bill C-6, in its current form, would contradict or, worse, undermine the international treaty it is supposed to implement.

During the committee review of the bill, NDP committee members attempted to amend the bill, but the Conservative members only allowed one very small change. I have to say that those amendments we put forward were in response to some experts and other folks who had brought their concerns to us.

Sadly, Bill C-6 is seen, internationally, as the weakest and worst legislation on this matter in the world. That is not the NDP saying that. That is other people who have come to us with that. In fact, it is broadly believed it would undermine the very spirit of the treaty it is supposed to implement.

I am not saying that is something deliberate on the part of the government. We are saying that, for whatever reason, it has reached the point with this bill where it needs more work. We are prepared to do that, in spite of the fact that the NDP has worked successfully alongside Canadian and international civil society groups to try to persuade the government to totally prohibit the use of munitions by Canadian soldiers in any manner. I understand that there was testimony from military folks asking for this to happen, but we are saying, as legislators, we have a responsibility to respond, perhaps in a different way.

Sadly, we believe that there are many dangerous and unnecessary loopholes in the bill, and I will get to those a little further on.

We hope that the government will understand from this debate tonight that it is important to further amend Bill C-6 to ensure Canada's humanitarian reputation is not tarnished by this piece of weak legislation.

We have heard people in here talk about the damage done because cluster munitions can release hundreds of explosives over a very large area, in a short period of time. Again, speaker after speaker has spoken about the impact of the devastation on civilians, in particular, that lasts many years after the conflict. We are all aware of that, and so is the government side.

Think for a moment back. For many decades following the Second World War, countries were clearing bombs, primitive by today's standards, of course, and from time to time some would explode. Many people, particularly, in the early 1950s, were injured and some killed by them.

To its credit, Canada, in another time, participated actively in what was known as the Oslo process to produce a convention to ban these cluster munitions. That process came on the heels of the success of the Ottawa treaty to ban land mines.

Sadly, as we have heard in this debate today, the U.S., China, and Russia chose not to participate in that process and, again, they continue to stockpile these munitions to this day.

*Government Orders*

Very concerning to the NDP is the fact that, over the very serious concern expressed by a majority of participating states and non-governmental organizations, the Canadian government succeeded in negotiating into the final text of the convention article 21, which explicitly allows for the continued military interoperability with non-party states, people who are not signatories to the agreement.

The NDP has very serious concerns because Bill C-6 would even go beyond the interoperability allowance of article 21.

I would offer that the main problem with the bill lies, in fact, with clause 11, which would establish an extremely broad list of exceptions.

● (2330)

Sadly, in its original form, this clause permitted Canadian soldiers to use, acquire, possess, and/or transport cluster munitions whenever they were acting in conjunction with another country that is not a member of the convention, and to request the use of cluster munitions by another country.

To my mind, that is using other countries as a blind to hide behind, to allow our forces to use these munitions, when Canadians clearly do not want them under any circumstances.

At the foreign affairs committee, in response, the NDP worked closely with the government, not only in public session but also through direct dialogue, to work to try to improve Bill C-6 before it became law.

I am pleased to say we were successful at committee in persuading the government to formally prohibit the use of cluster munitions by Canadian soldiers. The member for Carleton—Mississippi Mills made that point during the debate here tonight. I was pleased to see that. He is an individual with great experience in our military, and it is worthy to take his advice.

Having said this, other serious loopholes remain, and as a result, the NDP believes that without further amendments to fix these loopholes, Canada's commitment to ending the use of cluster munitions will appear at best to be superficial.

I would suggest that, even worse, Bill C-6 may well damage this convention, as it may lead to other international precedents or one that other nations would use to justify themselves opting out or seeking further exemptions.

Let us imagine, as a result of Bill C-6's exemptions, that Canada's legislation could be viewed as the weakest and the worst of all countries that have ratified the convention to date.

Overall, I would suggest the government's approach to the cluster munitions convention further demonstrates an overall pattern of weakness on arms control. I am sure that will be debated, but that is the view from this side.

We often hear the government side in the House touting NATO, but now the Conservatives have refused to join all of our NATO allies in signing the UN Arms Trade Treaty, except the United States, and worse, loosening restrictions on arms exports. That puts us in a very questionable position on the world stage.

I want to be clear. New Democrats fully support the creation of a treaty to ban cluster munitions. However, this bill would undermine the convention, rather than just implementing it.

We oppose the bill as presented at committee stage. Again I repeat, we worked hard, and that is everybody's job in this place, as I see it, to try to make legislation better. We have civil society groups, and I know there are some, not all, on the government who frown on civil society groups, but I know from experience that those are groups of people who work hard to keep all of us accountable in this place.

Although the one amendment the Conservatives allowed is an improvement, it certainly is insufficient for the NDP to come to a point where we could support this bill.

At this point, the NDP believes the best option would be to remove the problematic clause 11, so the NDP is proposing to delete this section from the bill before it passes report stage.

There are some statistics and facts around this: 113 countries signed the convention and 84 have ratified it. We signed it on December 3, 2008. It was tabled in the House of Commons on December 15, 2012. That was a significant gap in time.

A very striking statistic I think we all should consider is that 98% of the victims of the use of cluster munitions are civilians. Let us think about that for a moment. I understand that the people here are not cold-hearted. I understand there is some belief in the necessity of having weapons of this nature or at least in working side by side with countries that have them.

However, I would ask the members on the government side to consider for a moment that 98% of the victims are civilians. How many are women and children and non-combatants?

With that, I will end my comments.

● (2335)

[*Translation*]

**Mr. Dany Morin (Chicoutimi—Le Fjord, NDP):** Mr. Speaker, the question I would like to ask my NDP colleague is quite simple.

He clearly laid out why the New Democratic Party of Canada cannot support this type of bill. I am certain that he is very aware of the impact of cluster munitions on the lives of civilians who live in war-torn countries, especially failed cluster munitions, that is, munitions that do not explode and thus become land mines.

I would like to hear what he has to say about the fact that Canada, as represented by the Conservative government, feels no remorse in conducting missions with countries that continue the long tradition of sending these types of munitions to countries at war. The government is washing its hands of the consequences this can have on the civilian population.

[*English*]

**Mr. Wayne Marston:** Mr. Speaker, if we listen to the debate and we allow ourselves to be guided by it, the comments of the member will probably hold true. However, I believe that on the other side of the House, people are equally as concerned as we are about the damage that is done by these munitions.

*Government Orders*

I am just saddened by the fact that we are at this stage of a bill that is so flawed that it would open the doors to significant criticism of our country and, worse, might allow for the spread of these munitions.

[*Translation*]

**Ms. Ève Péclet (La Pointe-de-l'Île, NDP):** Mr. Speaker, I thank my colleague for his speech. I would like to ask him a question.

The Conservatives withdrew from the Kyoto protocol and from the United Nations Convention to Combat Desertification. What is more, the government is refusing to sign the Arms Trade Treaty, and now it wants to pass a bill that will render the Convention on Cluster Munitions meaningless.

Does my colleague not see that the Conservatives are putting Canada between a rock and a hard place when it comes to international affairs? Unfortunately, Canada is losing its reputation as a leader in human rights. I know how much my colleague cares about this type of issue and I would like him to talk about the Conservatives' approach.

[*English*]

**Mr. Wayne Marston:** Mr. Speaker, it is troubling, but it is very clear to those of us who spend time in the House that there is a philosophical difference on the two sides of the House when we look at the issues to which the member has referred. In a democracy, that is absolutely fair and proper.

I am more focused on the fact that I believe this bill at this particular time is flawed. Let us withdraw it and let us look at making it more effective and more appropriate for the international community so our reputation will be enhanced by it.

**Mr. Massimo Pacetti (Saint-Léonard—Saint-Michel, Lib.):** Mr. Speaker, the hon. member went into quite a bit of detail. In terms of the timeline, is the government really serious? The fact is that this treaty was ratified six years ago, in 2008, and the government is just bringing it forward now.

The government brought it forward on a couple of occasions and never really took it seriously, so how serious is it? Maybe, because it is flawed bill, the government is not really serious about it. Maybe the member could comment on that.

• (2340)

**Mr. Wayne Marston:** Mr. Speaker, yes, it has taken a time for this to reach the floor, but we had a number of prorogations. We had a number of things. It was tabled in the House in different forms and there was interference. However, coming back to the substance of the bill, there is clearly more work to be done. I am not about to assess the timing or anything like that, because what we have in front of us is what we have to deal with today. It is disappointing, though, that it took this long.

**Mr. Don Davies (Vancouver Kingsway, NDP):** Mr. Speaker, it is an honour to stand in this House and speak on Bill C-6, an act to implement the Convention on Cluster Munitions.

We debate a wide range of subjects in this House. They are all important, but some subjects are more serious than others and some have more implications than others. Some deal with policy that affects our lives, but once in a while an issue comes up that involves matters of life and death and invokes some of the most important

considerations that a government and a deliberative body like this one can have. This is one such act.

This bill deals with the use of cluster munitions by states around the world. It is the position of the official opposition, the New Democrats, to oppose Bill C-6 in its current form on the grounds that it contradicts and undermines the very international treaty that it is supposed to implement. I would point out to Canadians watching that the New Democrats did what a good official opposition does; that is, we attempted to work with the government and, in a good faith attempt, to amend the bill at committee. However, the Conservatives only allowed one small change. As we will see later on, it is not a change that is sufficient to render an inherently flawed bill acceptable to us.

This Conservative legislation purports to implement the Convention on Cluster Munitions. I will say that it is widely recognized as the weakest attempt to do so in the world. It undermines the very spirit of the treaty it is supposed to implement.

The NDP will continue to push the government to further amend Bill C-6 to try to ensure that Canada's humanitarian reputation is not tarnished further by this weak legislation.

I will give a bit of background to detail exactly what we are talking about.

Cluster munitions are a weapon, an armament, that can release hundreds of explosives over a large area in a very short period of time. They have a devastating effect on the people in the area, mainly civilians. I will say right now that 98% of the casualties of cluster bombs around the world are innocent civilians.

These munitions often do not explode on impact and therefore can last many years after a conflict has ended. We have heard some testimony by members on all sides of the House that this is still a problem for countries such as Laos, where these weapons were dropped during the Vietnam war; some thousands of these munitions, unexploded ordnance, that are still in that country risk going off and harming and killing innocent men, women, and children today.

Canada participated actively in what was known as the Oslo process to produce a convention to ban the use of cluster munitions. The Oslo process came on the heels of the success of the Ottawa treaty to ban land mines. These are important international initiatives that attempt to get worldwide consensus on an agreement to refuse to use certain weapons that are of particularly egregious effect. The U. S., China, and Russia did not participate in the process, and they continue to have stockpiles of cluster munitions to this day.

*Government Orders*

Despite strong opposition from the majority of states participating in the Oslo process and from many non-governmental organizations that have an interest in peace and in moving forward to a more civilized world, Canada succeeded in negotiating an article into the final text of the convention that explicitly allows for continued military interoperability with non-party states. That is article 21 of the treaty. In other words, Canada worked to allow and facilitate the continued use of cluster munitions by states that refused to participate in the process or sign the treaty, but limited that to the concept of interoperability, which essentially meant that a nation's military that was working in conjunction with an ally would not necessarily face criminal sanction under the treaty if its ally happened to use cluster munitions.

It was surprising and unacceptable to many countries in the world to see Canada urge the exception that would continue to allow the use of these devastatingly horrific weapons. The Minister of Foreign Affairs used the word "horrific" to describe these weapons, and properly so.

● (2345)

These weapons are often the size of batteries or small tennis balls, and they come, as the name would suggest, in clusters. When a cluster of these munitions explodes, many of these things are spread. Where they end up cannot be controlled. Often they exist for years unexploded until someone accidentally trips them, and then an innocent person is hurt.

After Canada, some years ago, negotiated that treaty, even with the narrow exception, the government then, as it was committed to do under that treaty, drafted the legislation that is before us in this chamber that is supposed to implement its obligations under the Oslo Treaty.

Bill C-6 now comes before us. When it came before us in its original draft form, inexplicably and completely unacceptably, the bill contained a number of widened exceptions that would continue to allow and facilitate the use of cluster munitions, directly contrary to the spirit and intent of the treaty Canada signed.

In its original form that the government drafted, it put in a clause, clause 11 of the bill, that would permit Canadian soldiers to use cluster munitions, to acquire cluster munitions, to possess cluster munitions, and to transport cluster munitions whenever they were acting in conjunction with another country that was not a member of the convention. It would also allow Canadian military personnel to request the use of cluster munitions by another country. That is shocking.

After sitting in an international arena to negotiate the end of the use of these munitions, and even though Canada, incorrectly, I think, advocated at that treaty table that there be a limited exception, the interoperability concept, the legislation the Conservatives drafted and brought before the House widened those exceptions, which effectively gutted the intent of the bill.

At the foreign affairs committee, New Democrats, led by our foreign affairs critic, the member for Ottawa Centre, supported by Canadian and international civil society groups, pushed for changes to the bill. We engaged closely with the government in public and through direct dialogue to encourage improvements to this

legislation, and we were successful to a limited extent. We were successful in persuading the government to formally prohibit the use of cluster munitions by Canadian soldiers.

The bill comes before us with that one improvement, but it would still permit Canadian soldiers and military to request the use of cluster munitions by another country, to acquire cluster munitions, to possess cluster munitions, and to transport cluster munitions when they are acting in concert with another country.

Unfortunately, these loopholes are rightly attracting the criticism not only of Canadians but of the world. Without amendments to rectify these loopholes, Canada's commitment to ending the use of cluster munitions will be superficial at best. Indeed, many suggest that Bill C-6 would even damage the convention as a whole by establishing an international precedent for opt-outs and exemptions.

As it currently stands, Canada's legislation has been called the weakest of all countries in the world to have ratified this convention, and that is no small feat, because 113 countries have signed the convention and 84 have ratified it, and of those countries, Canada has the weakest legislation.

I am going to ask the indulgence of my colleagues for a minute. In six years, almost, in the House, I have yet to mention a very special person in my life, and that is my mother, Renee Marlene Davies. She is a very lovely and talented woman. She is hard working. She is loyal. She is a fantastic mother. I mention her because this debate made me think of her for two reasons. First, she was born on December 7, 1941. That is the day the Japanese bombed Pearl Harbour. It was a surprise attack. It was unprovoked. It shocked the United States. In fact, it shocked the world. That war was ended in the Japanese theatre some four years later by the dropping of two horrific weapons of mass destruction, atomic bombs.

● (2350)

The issues of the eradication and control of nuclear weapons continue to this day, and the government has continued that process. I understand that the government has completely boycotted and sanctioned Iran. It has closed our embassy even because of its view that Iran's development of nuclear processes threaten international security. I think that, not quite to the same degree but similar in kind, so do cluster bombs.

Cluster bombs threaten international peace and security in a different way, perhaps not in such a dramatic profound way, but when we have thousands of people around the world killed by cluster bombs, people who have nothing to do with the conflict, that is mass killing of innocent people and is something that should shock the conscience of all right-thinking people.

The second reason article 11 made me think of my mother is because she would never countenance me using dangerous or illegal products, or allow me to hold a product for a friend of mine, transport it for a friend of mine, or to request a friend of mine to use it, which is what this is. None of us would permit, as a logical exercise, a state of affairs where we would say that something is so dangerous and horrific that we will not use it, but we will certainly hold it, transport it or ask someone else to use it if they really want to. That is aiding and abetting.

*Government Orders*

I know the Prime Minister and the government have often stated that they want Canada's foreign policy to be one of principle. They want our foreign policy to be one that is not subject to the vagaries of relative arguments or of relative shifting of values or morals. They want to take the right position, and it does not matter what other countries think.

Why is that perspective absent here? Why does the government not say that it will not compromise its strict and absolute commitment to the eradication of a weapon that has no place in a civilized world? These weapons have no place in modern warfare at all, and the government should say that it will not consider views otherwise from anybody, friend or foe alike.

Why have the Conservatives gotten relative here? Is it because they will not use it, but their friends use it, they cannot really stop them, so they will just have to get along with that? This is contrary to the principled assertion the government claims to follow.

The government's approach to the Cluster Munitions Convention fits into a broader pattern of weakness on arms control, and I do not think that affects just our government, but it affects many countries in the world. The government has refused to join all of our NATO allies in signing the UN Arms Trade Treaty and it has loosened restrictions on arms exports.

The New Democrats, for our part, fully supported the creation of a treaty to ban cluster munitions. We fully believe that Canada should take a leadership role on the world stage and say that under no circumstances should these weapons be used and we will not be part of it in any fashion whatsoever. We will not have our military work with another military that uses them, end of story. That is a principled approach to the use of what has been described as horrific weapons of war, which do not kill soldiers, they kill civilians.

The bill would undermine the convention rather than implement it. Therefore, we are opposed to the bill as presented. We will continue to urge the government to make the kind of changes that I would like to think the Conservatives want to make.

I have heard members opposite talk about their commitment to ending the use of these weapons. They have described, in very accurate detail, the devastating impact of these weapons. They know that these weapons have no place in the modern world and should not be used by any country of good conscience. However, we know that Israel, the United States, China and Russia use them.

There are validators of our position, such as Earl Turcotte, the former senior coordinator for Mine Action at the Department of Foreign Affairs and International Trade. He was the head of the Canadian delegation to negotiate this convention. He also negotiated the Convention on Certain Conventional Weapons and the Convention on the Prohibition of Anti-Personnel Mines, also known as the Ottawa convention. Mr. Turcotte resigned as a result of Canada attempting to implement this weak legislation.

● (2355)

Mr. Turcotte is active in advocating for stronger legislation. This is coming from someone who I think has the most credibility of anybody, perhaps, in the country on this subject. He said:

...the proposed...legislation is the worst of any country that has ratified or acceded to the convention [on cluster munitions] to date.

It fails to fulfill Canada's obligations under international humanitarian law; it fails to protect vulnerable civilians in war-ravaged countries around the world; it betrays the trust of sister states who negotiated this treaty in good faith, and it fails Canadians who expect far better from our nation.

Paul Hannon, executive director of Mines Action Canada, said this:

Canada should have the best domestic legislation in the world [not the worst]. 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.

Former Australian prime minister Malcolm Fraser said this:

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.

I will pause there for a moment. Canadians have always been proud of Canada's historic position on the world stage, where we have been respected by countries around the world as a country of balance, a country of moderation, a country of peacemaking, a country of peacekeeping, a country that is respected around the world as an honest broker, yet we have people no less than former prime ministers of other Commonwealth countries like Australia saying that our approach now is timid, inadequate, and regressive.

I would venture to say that the Canadians I talk to, and I would dare say the majority of Canadians, want to see Canadian reassert our historic role on the world stage where we are respected for our fairness, where we are admired for our ability to bring peace, good sense, and responsibility to situations of conflict. We are a middle power, and that is a position on the world stage that we have historically occupied.

Instead, under the government, we are turning into a country that is associated with aggression, violence, and lack of international commitment—for example, the government withdrawing from Kyoto, the only international treaty on climate change. Our lack of standing in this world is demonstrated by a number of objective facts. For the first time in history, Canada did not get our turn at the UN Security Council and in fact had to withdraw our application because we knew Canada would suffer an embarrassing defeat by the United Nations, the other nations of the world.

As I have already said, 98% of all cluster munitions casualties have been civilians. One cluster bomb contains hundreds of bomblets and typically scatters them over an area the size two to four football fields. Up to 37 countries and territories have been affected by cluster munitions use in armed conflict, 19 countries have used cluster munitions in combat, and 34 countries have at one point produced the weapons. Half of those have since ended production, some as a result of the convention.

While Canada has never used or produced cluster munitions, and I think that is a testament to our international position that I just described, the global stockpile of cluster bombs totals approximately four billion, with a quarter of those in U.S. hands.

*Government Orders*

I would end by saying that I would urge the government to work with its closest allies, United States and Israel, and use our influence to urge them to sign this treaty and urge them not to use these weapons, so that Canadians can once again reassert our respected, peaceful, and responsible position on the world stage, as Canadians want.

**The Deputy Speaker:** The hon. member will have one minute to complete his speech, as well as 10 minutes of questions and comments.

● (2400)

[*Translation*]

It being midnight, pursuant to an order made on Tuesday, May 27, 2014, this House stands adjourned until later this day at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 12 a.m.)

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