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OFFICIAL REPORT
(HANSARD)

Thursday, September 22, 2016

—

Speaker: The Honourable Geoff Regan

CONTENTS

(Table of Contents appears at back of this issue.)

HOUSE OF COMMONS

Thursday, September 22, 2016

The House met at 10 a.m.

Prayer

ROUTINE PROCEEDINGS

•(1005)

[*English*]

INTERPARLIAMENTARY DELEGATIONS

Mr. Robert Oliphant (Don Valley West, Lib.): Mr. Speaker, pursuant to Standing Order 34(1), I have the honour to present, in both official languages, the report of the Canada-Africa Parliamentary Association respecting its participation at the Bilateral Mission to the Republic of Namibia and the Republic of South Africa, held in Windhoek, Namibia and Cape Town, South Africa, February 28 to March 5, 2016.

[*Translation*]

Mr. Joël Lightbound (Louis-Hébert, Lib.): Mr. Speaker, pursuant to Standing Order 34(1), I have the honour to present to the House, in both official languages, the report of the Canadian branch of the Assemblée parlementaire de la Francophonie, the APF, respecting its participation at the meeting of the Cooperation and Development Committee of the APF, held in Midrand, South Africa, from April 26 to 28, 2016.

[*English*]

Mr. Kevin Lamoureux: Mr. Speaker, I believe that if you seek it, you will find unanimous consent for the following motion, that in relation to its study on Canada Post, seven members of the Standing Committee on Government Operations and Estimates be authorized to travel to Surrey, British Columbia; Edmonton and Calgary, Alberta; Yellowknife, Northwest Territories; Moosejaw and Regina, Saskatchewan; and Winnipeg and Scantebury, Manitoba, in the fall of 2016, and that the necessary staff accompany the committee.

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

Some hon. members: Agreed.

Some hon. members: No.

BUSINESS OF SUPPLY

Mr. Gordon Brown (Leeds—Grenville—Thousand Islands and Rideau Lakes, CPC): Mr. Speaker, if you seek it, I believe you will find consent for the following motion:

That, at the conclusion of today's debate on the opposition motion, in the name of the member for Niagara Falls, all questions necessary to dispose of the motion be deemed put and a recorded division requested and deferred to Tuesday, September 27, 2016 at the expiry of the time provided for oral questions.

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

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to)

* * *

PETITIONS

DEMENTIA

Mr. Robert Oliphant (Don Valley West, Lib.): Mr. Speaker, I have the honour to present e-petition 220, which received 1,166 signatures.

The petitioners call on the Government of Canada to create a national dementia strategy and to commit to a concerted effort to address the burden dementia places on our economy, on individuals with the disease, on their families, and on our health care system.

JUSTICE

Mrs. Cathay Wagantall (Yorkton—Melville, CPC): Mr. Speaker, I am pleased to stand again today to present a number of additional petitions in support of Cassie and Molly's law.

Individuals across Canada, from all walks of life, are standing up and saying that they want this House to pay attention and to make the choice to protect pregnant women and their preborn children.

* * *

QUESTIONS ON THE ORDER PAPER

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I ask that the remaining questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

*Routine Proceedings***RESIGNATION OF MEMBER**

Hon. Jason Kenney (Calgary Midnapore, CPC): Mr. Speaker, when I first arrived in this chamber over 19 years ago, I was filled with awe. It reminds me of what the late right hon. John Diefenbaker said, that “when you come to parliament on your first day you wonder how you ever got here. After that you wonder how the other 263 members got [here]”. That is not true in my case. I still wonder how I got here. I am still filled with wonder and awe at this place, this chamber, the tradition it represents, this temple of our democracy.

When I arrived here as a young 29-year-old rookie MP in 1997, I was filled with a sense of idealism, optimism, hope, and a determination not to sacrifice my core convictions, and I hope and believe that today I am still filled with the same idealism and motivated by the same convictions.

One of the things I learn as I grow older is that one of the most important virtues in life is the virtue of gratitude.

• (1010)

[*Translation*]

I would therefore like to express my gratitude to all the people who have been there for me during my time in office.

[*English*]

Let me begin by, of course, thanking my long-suffering constituents who, on seven separate occasions, have seen fit to express their confidence in me as their voice and representative in this place. I could never adequately express gratitude to them for this great honour, which we all in this place share.

Of course, I have gratitude for my family. I think especially of my paternal grandfather, who was Canada's most famous and greatest musician, in the 1930s and 1940s, of the big band era, who imparted to me a profound and permanent enduring love of this country. He was a Canadian nationalist who gave up the chance to go make it big in the United States on the big band circuit, because he said he always wanted to raise his boys here in Canada. He played every military base in the country during the Second World War, and he imparted to me a true wonder for the magnificence of this country, and, I must admit, was also a lifetime member of the Liberal Party of Canada. In fact, the last time I saw him, he was beginning to get a little confused, and he said, “Get Louis on the phone”. I said “Who?”, and he said, “Louis St-Laurent”.

Also, of course, there is gratitude for my parents: my father, who also imparted to me a great patriotism, a military man, a former RCAF fighter pilot, and an educator; and my mother, a gracious soul who grew up in humble beginnings and taught me much about respecting everyone.

There is my staff, dozens of staff, who have also been long-suffering in working with me. Anything I have achieved is thanks, in large measure to them. I know none of us would be able to perform our public service without their participation.

[*Translation*]

Mr. Speaker, I would also like to thank you and all of your predecessors, along with the clerks, the pages, and all the people in administration and security, who make the institution of Parliament

work. Without them, we would not be able to speak on Canadians' behalf.

I would especially like to thank the people who so patiently taught me Canada's founding language, French.

[*English*]

Let me thank the public servants with whom I have worked. In the 10 years I was a minister in cabinet, I learned to grow, year by year, a deeper respect for the tremendous professionalism of our public service, in particular in my last year in the government as minister of National Defence. There could be no greater honour than to work with our men and women in uniform, who are the greatest Canadians.

Let me thank all of the parliamentary colleagues with whom I have worked. I have been blessed to have friendships across party lines. I wish I had had more, but sometimes, we all know, the stress and impatience of this life impairs those relationships. Even within my caucus there are still people I have been here with for 15 years or longer who I do not know as well as I ought to.

One of the counsels I offer to all of my colleagues is to take that time. There is always a reason to be rushing around; take the time to know the people around us. I remember being in this place 18 years ago when a late friend, Shaughnessy Cohen, expired on the floor of the House of Commons. I think it reminded us all at the time that whatever our disagreements, we are all in this together as proud Canadians and must respect one another accordingly.

[*Translation*]

I would like to thank the leaders with whom I served.

[*English*]

Let me thank, in particular, my leader when I arrived in this place, Preston Manning, who brought to this place new ideas about democratic reform and fiscal responsibility that I think have made an enduring contribution to our public life.

Let me thank the former prime minister, the right hon. Stephen Harper, for the opportunity to serve Canadians in his cabinet in many important and worthwhile capacities.

Allow me to say a word about this institution, which I revere. John Diefenbaker said once:

One moment [Parliament] is a cathedral, at another time...it ceases...to have any regard for the proprieties that constitute not only Parliament, but its tradition. I've seen it in all its greatness. I have inwardly wept...when it is degraded.

Like any institution, it has its ups and its downs, but ultimately, it is made up of the people who serve within.

Routine Proceedings

I appeal to all my colleagues, from all partisan traditions, first and foremost, to respect this institution and this chamber as a place of deliberation. If I have not always lived up to that standard, if I have ever aggrieved fellow hon. members, if I have not always lived up to the highest standard that I expect of us in this place, I apologize. I think we can, collectively, do better. I really, truly do.

I would, as a helpful suggestion, encourage members of this place to watch question time at the Westminster mother Parliament. They will see quick, pointed, thoughtful questions; typically, substantive answers; no boorish heckling; and no applause.

I will accept the applause today.

I think there are ways we could improve the decorum of this place to match the expectations of Canadians.

I have had the great privilege of having served roughly half my time here in government and half in opposition. My counsel to opposition members who have never been in government is to understand that sometimes in government there are no good choices. Frequently, in government, there are very difficult trade-offs to be made on extraordinarily complex issues. While there is a constitutional responsibility for the opposition to hold the government to account, there should also be an understanding of, sometimes, the irresolvable complexity of issues with which members of any government must deal. I think there should be a degree of understanding and patience that flows from that.

Similarly, to those who are in government, I say to a lot of the new members who have never been in opposition to please understand that when members of the opposition are asking tough questions that they think are crossing the line or are unfair, please understand that they are not bad people; they are good parliamentarians. They are doing their job to hold the government to account.

I hope that we can renew the best traditions of this as a deliberative place.

● (1015)

Finally in this point, I remind us all that this is the ultimate expression of our unity in diversity. I have never believed, as a tenured minister of multiculturalism, that it is adequate simply to celebrate our diversity. I think we must aspire to unity in our diversity, especially in this place. One of the great parliamentarians of the 18th century, Edmund Burke, said this:

Parliament is not a congress of ambassadors from different and hostile interests; which interests each must maintain, as an agent and advocate, against other agents and advocates; but parliament is a deliberative assembly of one nation, with one interest, that of the whole; where, not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole. You choose a member indeed; but when you have chosen him, he is not member of Bristol, but he is a member of parliament.

We should all remember that.

Finally, on this point of Parliament, when I give people tours around this place, I like to remind them of an allusion to history that should govern our actions. John Diefenbaker referred to this as a cathedral and it looks like that purposefully, not accidentally. When the early mother parliaments began to meet in the chapter house of Westminster Abbey, they grew too large and they had to move to the actual chapel of St. Stephen's, a place where the monks came several

times a day to pray in chapel rows facing one another, so the reason we sit in these seats opposite one another is an actual historical echo of the monastic foundation of the first House of Commons. Let us remember that, if monks could sit there in harmony chanting the Psalms, certainly we could try to emulate that harmony a little bit and not just the discord that we hear in this place too often.

I have a word for my colleagues is this. I leave them with great confidence for the future of the Conservative Party of Canada. This is a party that has gone through a difficult election in recent months but has emerged with great strength and confidence, thanks in no small part to the brilliant leadership of the hon. Leader of the Opposition.

As a last word about this country, which we all serve—this magnificent country with limitless potential—as I worked as minister of immigration, citizenship, and multiculturalism and welcomed refugees to this country, I was reminded of the words of Desmond Morton, a great Canadian historian and a former NDP candidate. He said that Canada is made up of people who have been on the wrong side of history. That includes our first nations at the time of European contact.

● (1020)

[*Translation*]

That also includes French Canadians at the time of the conquest and Acadians, with the great upheaval and the tragedy of what happened to them.

[*English*]

It includes the United Empire Loyalists; English Canada was founded by refugees, including some of my ancestors, who came here from the American Revolution. It includes those who saw Canada as the North Star through the Underground Railroad, who escaped slavery in the United States to achieve freedom in this country, sometimes with the scars of slavery on their backs. There were the Highland clearance Scots, who founded Cape Breton. There were the famine Irish, including some of my ancestors—and members can see that the Kennneys have recovered from the famine. There were Jewish victims of the pogroms before the Second World War, in the early 20th century, and the victims of the Shoah, who came after the Second World War. There were the eastern Europeans, the men in sheepskin coats who fled political oppression to pursue new opportunities in settling the Canadian Prairies; the Hungarians of 1958; the Czechs of 1968; and the Vietnamese of 1979. With the Chinese premier here today, we should also remember the Uyghurs and Tibetans and Falun Gong practitioners and those who stood at Tiananmen Square. There are so many others right to this day: the Syrian refugees whom we welcome; the 25,000 Iraqi refugees who came through a program that I established; the gay Iranians and men and women of all backgrounds. All of them in their own way were losers of history, yet by becoming Canadian they have become winners of history.

All of those people would have cause to live in a spirit of bitterness and recrimination but, instead, have decided not to forget their tragic past, to remember and memorialize it but move forward with hope in the future, as Canadians with a common sense of responsibility for one another.

Routine Proceedings

I close my two decades in this place by quoting the words of former prime minister Diefenbaker, when he introduced the Canadian Bill of Rights. In expressing a sentiment that applies to all of those losers of history who have built one of the greatest countries of history, he stated:

I am a Canadian, a free Canadian, free to speak without fear, free to worship God in my own way, free to stand for what I think right, free to oppose what I believe wrong, free to choose those who shall govern my country. This heritage of freedom I pledge to uphold for myself and all mankind.

• (1025)

The Speaker: Before I call upon the next speaker, I hope the House will permit me to thank the hon. member for Calgary Midnapore for his remarks, particularly his expression of his hopes for this place. I recall sitting in opposition back in my partisan days when he was a minister and having great respect for him. I know that he clearly loves this place, but I must mention the respect that I felt for his determination to be here, as much as possible, throughout the debates on bills within his responsibility, something I would encourage all ministers to try to do whenever they can. That is admirable.

I have certainly respected and enjoyed his participation in debates in the House throughout the time we have both been here together, which has been quite a while. I want to wish him all the best in the future and trust that he will come back and visit us often.

The hon. Leader of the Opposition.

Hon. Rona Ambrose (Leader of the Opposition, CPC): Mr. Speaker, let me say right off the top that I hate following him as a speaker. No one will hear me use the word “monastic” in my speech.

It is an absolute joy to rise today as Leader of the Opposition and a proud Conservative, with all of us here today, to pay tribute to our very good friend and long-time colleague, the member for Calgary Midnapore.

It is no exaggeration to say that he is regarded by all of us on this side of the House as an elder and mentor, although he is still pretty young. He has seven years on me as an MP, but it goes without saying that he is much older than I am.

When we think back two decades, the things he has seen in his career boggle the mind. He remembers an upstart young MP named Bob Rae joining the House, rescued from the downtrodden Ontario NDP. He remembers the time when one would have had better luck finding Franklin's ships in Alberta than a Liberal MP. Do not worry; we will fix that.

Of course he, along with the members for Battlefords—Lloydminster and Calgary Forest Lawn, were the very first boys in short pants, way back in 1997. I am sure they were trying to catch on to the boy band craze in the late 1990s. Nearly 20 years later, the member for Calgary Midnapore has probably seen it all.

With a career like his, it is difficult to know where to start, but perhaps I will start with what many Canadians already know about him: his unending energy and commitment to Canada's newcomers. During the 2011 election, the member for Calgary Midnapore became well known to households around the country as the outreach minister, always being present in communities that were often an afterthought during elections.

[*Translation*]

Even today, there are few in Canadian public life who have a better sense of the historic forces that have shaped Canada's cultural communities. From our diaspora peoples to the Canadian government's acknowledgement of the terrible past injustices, he has often been the loudest voice and the most constant champion.

[*English*]

However, whether those at home knew it or not, that reputation was not lightly earned.

His reputation for hard work and late hours helped him earn the distinction of being Canada's longest-serving immigration minister. It was under his leadership on the file that more new Canadians were permitted to join the Canadian family than under any minister of immigration before him.

For both those who need Canada's protection and those who were concerned about widespread abuse, his leadership was the overdue correction the country had been waiting for. Much-needed reforms shrank backlogs and refugee claimant processing times from years to weeks. As a result, those legitimate refugees who needed Canada's help the most received it faster, and those abusing the system were turned away or discouraged from targeting Canada in the first place. He launched the first refugee settlement program, directed at bringing to Canada persecuted gays and lesbians, particularly those from Iran and the Middle East. He ensured that refugees who had nowhere else to turn knew that Canada was a welcoming place.

In short, it was a generational shift in the efficiency and operation of Canada's immigration program, and thousands of new citizens will remember and thank him for it. As I say, that was the work behind the scenes.

In his interactions with new Canadians, he is as warm and as welcoming as the locals. The ease with which he fits into a room led him to earn the nickname “Smiling Buddha” from Chinese Canadians. His colleagues never dared to try that one on him, but as he is leaving we might entertain it. I am told that once on a walk-around in China, former prime minister Harper, seeing a large statue of a grinning Buddha, pointed at it and dead-panned, “I see Jason Kenney is as popular here as he is in Canada.”

He brought this same unmatched work ethic along with him to the role of minister for economic and social development. What we most admired was his advocacy for students and young workers in the skilled trades, which I believe will prove prophetic as we continue to fight for good jobs, and especially jobs that cannot be outsourced, for the next generation.

Routine Proceedings

As Canada's minister of defence, the member for Calgary Midnapore carried the banner for our armed forces proudly, especially when our allies needed Canada's assistance. Only a few months into his tenure, Canadian troops were sent to Ukraine as part of an effort to improve the military police presence, training, and resources available to our allies.

The member for Calgary Midnapore also took over from his predecessor the lead on Operation IMPACT, which was Canada's use of air strikes against the ISIS threat in Iraq and Syria. It was a job that demanded clear eyes and clear authority, which he delivered.

Here in Parliament, I think we could all agree, including members opposite, that the member for Calgary Midnapore never arrived without a keen interest and a deep knowledge of the subjects that drove him.

•(1030)

[*Translation*]

For example, we all know how proud he is of his role in the founding of the former Office of Religious Freedom, an institution the previous government viewed as a critical tool for the protection and support of those still persecuted for their beliefs around the world.

[*English*]

His defence of the Office of Religious Freedom in the House earlier this spring was partly oratory and partly a history lecture, which it usually is when he speaks, calling upon such figures as John Diefenbaker, Pope John Paul II, Pakistan's minister of minority affairs, and Parsi Zoroastrians, and I am not sure who that is. It was one of his quintessential performances that we have come to know and love, knowledgeable, passionate, and forceful, and that has always been his approach.

As a parliamentarian, he has been a model of rigour and determination, and for all of that he has been honoured by his peers in this place and elected as the hardest-working parliamentarian, the most knowledgeable parliamentarian, and at another point, the best overall member of Parliament.

His accolades also include the Moral Courage Award from United Nations Watch for his advocacy for victims of tyranny, particularly in Iran and Syria; and recently, the Order of Merit from President Poroshenko of Ukraine for his staunch defence of Ukraine's sovereignty.

If I were a more daring person, I might even suggest the member for Calgary Midnapore learned how to be the best overall MP at the knee of our friend, the current Liberal Minister of Public Safety, for whom he once served as an aide early in his career. If my colleagues on the other side of the House might roll their eyes while I heap praise on a Conservative, they can thank the Liberal Minister of Public Safety for helping to put him here in the first place.

As an Albertan, I know well the kind of devotion that Albertans can inspire in their public officials, and in return for his hard work, they sent him back to Ottawa seven times, often with historic margins of victory. In fact, he used to like to tease Mr. Harper about his margins of victory being bigger than his. Clearly, my friend for Calgary Midnapore is also very brave.

We have always valued his advice. I have always valued his advice, and I know others here will say the same.

•(1035)

[*Translation*]

He is a friend to all of us on this side of the House. He has a streak of Irish stubbornness, as he should, and also that Irish sense of friendship.

[*English*]

He has an infectious laugh that we will all miss echoing through this chamber. Many who have passed through his office in these last two decades see him as a role model, a mentor, and a loyal friend.

Luckily for all of us, his time in public life is just starting a new chapter as he enters the rough and tumble world of Alberta provincial politics. We wish him luck and good health in that pursuit. We hope he finds some time to keep up his reading.

It is my honour to thank him on behalf of our entire caucus, including members past and present for his work on the Conservative cause for all Canadians. He is not dying, Mr. Speaker, he is just going to Alberta.

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the leader of the official opposition started off by being somewhat hesitant because she was following the former minister of immigration and what he classically does in a very effective way is to deliver very passionate speeches to the House. I have witnessed that for the last five years. I do commend the member on his sheer ability as a parliamentarian to be able to deliver the types of speeches that he does inside the House.

Today we bid farewell here in the House of Commons to a parliamentarian who has personified passionate engagement, both in opposition and in government, for almost two decades. It is fair to say that the member for Calgary Midnapore has done a great deal to define the direction of the Conservative Party of Canada. I must say at the same time that he has done this while providing directions to journalists across this country to every banquet hall celebrating Diwali and Chinese New Year.

Long before he sacrificed his sleeping pattern to his responsibilities with the Harper government, he was already an unapologetic frequent flyer working tirelessly for Stockwell Day's leadership campaign. If one could say anything about his political longevity in comparison to Mr. Day, it is that the member has proven it pays not to pack a wetsuit.

Let it also be said, however, that the member for Calgary Midnapore revealed to all of us a great talent for engagement with Canadians in his role as minister of citizenship and immigration and multiculturalism. One reporter noted he had cultivated a Bieber-like following in some communities. All Canadians thank him for this work.

Routine Proceedings

Now, given the hon. member's years on the road and here in Ottawa, it is perhaps no surprise that we have learned he would like to pursue a line of work closer to home as the leader of the Progressive Conservative Party of Alberta. For many of us who have worked with him over the years this comes as no surprise. He has always been a passionate Albertan and a tireless advocate, not just for his constituents but for those across the province.

Let me in all seriousness note his work on the ground during the Calgary floods of 2013 and his passionate support of those Albertans currently undergoing difficult economic challenges. This is all the proof anyone needs of his commitment and his eloquence on behalf of those whose voices have to be heard and whose concerns must be addressed.

We Liberals may have had policy differences and disagreed on a number of fronts with the member over the years, but none of us here has ever doubted his passion, his focus, his tireless work for the people of Calgary Midnapore and indeed all Canadians. He has always been an exemplary politician and parliamentarian. On that note, on behalf of all my Liberal caucus colleagues, I wish him the very best in the years ahead.

On a personal note, one of the things that I truly respected about the member while he was a minister was that he always seemed to take the time to be present here inside the chamber. I know because I was in the chamber listening when the bills and issues relevant to his ministry were up for debate. A lot can be learned from that. I always sensed a deep amount of respect by the member for this institution. That is something I will always remember. He did a great service as a parliamentarian, first and foremost, and I respect that. All members of the House, and Mr. Speaker you alluded to it in your comments, respect the way in which he gets engaged inside the chamber.

We wish the member for Calgary Midnapore all the best in his next challenge and thank him for his many years of work on behalf of all Canadians.

• (1040)

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, it is an honour to rise and pay tribute to my colleague, the member for Calgary Midnapore. I have been elected to this chamber six times. The member has been elected seven times. I can empathize that our community's best option is to send us away. It seems to be one of the strengths of a community in this place.

I had a chance to pull the hon. member's first speech here in the House of Commons. I can imagine it. I remember my first days here and the nervousness. I am still always nervous, including today. When we lose that element, perhaps we lose some of that sincerity. However, the member set a good example every single day he came into the House. I was most impressed with him as a minister who would be doing his work tirelessly and also answering and participating in debate, even from members who were perhaps in a lesser role, at the back, not responsible for that critic area, or were just members in the chamber. I credit him for being one of the few examples of that in the chamber in the 15 years that I have been here. It is a tribute to the work he does.

When I look at the speech I wonder what the member was thinking, when just prior to his getting up to give his maiden speech, Mr. Dick Harris rose and said, "First of all, Mr. Speaker, let me

assure the member from Thunder Bay that he will never ever find a Reformer kissing a Tory. That is a certain thing".

Hence, his political career began in this chamber. He has been part of several different parties over the years. There has been the Reform Party and the Canadian Alliance Party. At one point they decided to get together. They had a brief marriage, so to speak, but when they discovered the acronym was CRAP they quickly disbanded. Henceforth we now have the Progressive Conservatives now in the Conservative Party. However, it is a tribute to the member that he has contributed in this chamber through several different elements related to his political parties, leadership, and putting himself forward. That is a very strong credit.

I listened closely to the member, and I want to quote some of his words, which are very apt for this discussion today. First, he thanked his staff. He used the words "public servants", "professionalism", "friends", "proud Canadians", "respect", "thanks", "collective", "helpful", "thoughtful", "understanding", "patience", "unity", "diversity", and "aspire". I would add, he also deserves similar words from me and many New Democrats. Even as a minister, he was approachable, he was a listener, and he was knowledgeable. He still is. It is not like he is gone forever. He is just gone from here.

It is fair to say and worthy to note just some of the offices and roles that he held as a parliamentarian: minister of national defence, minister of multiculturalism, minister of employment and social development, minister of citizenship, immigration and multiculturalism, and secretary of state and parliamentary secretary to the prime minister. It is clear he has not been able to hold a job here and might have a similar challenge where he is going, but in all seriousness this shows how he has become very much an asset for all of Parliament, having that repertoire of experience.

Often, sensational things make the news, but it can be some of the most mundane things that we do not think about that are important. It can be a conversation, working on a committee, or doing something else that can lead to something as profound as a family being reunited, someone getting the support they need, or someone's life being changed because government services did something for them. Those things, which are often not noted in the big headlines, are certainly some of the things the member did and worked on in all of those roles.

• (1045)

He received awards in several categories, including best overall MP and hardest-working MP. His 20-hour work days was one of the reasons he got the latter award. I would say that the sleep deprivation may have interfered with some of his judgment, but in all fairness, there are several other awards that he was given that are probably too lengthy to note, but I personally appreciate his award from UN Watch for his courage in speaking out for others. He was not afraid to speak truth to the powers that be, something that we New Democrats often have to do.

We have fixed the problem where he is going, Alberta, but we are still a work in progress here in the House of Commons.

I do want to note two important things. He has often quoted John Diefenbaker, that “Freedom is the right to be wrong, not the right to do wrong”. That is heartening to this chamber.

I want to conclude by saying that I have mixed emotion in rising here today. I feel glee and excitement because I know that the member is leaving. No, I was just joking.

But truthfully, there are two things we can do here today as New Democrats in the House of Commons. First, we can most sincerely thank him on a personal level for his commitment. We can also thank his family and friends and the people in his life who helped put him democratically in this chamber, who did all that work and made all those efforts time and time again during elections, and the support of his family. They gave up parts of their lives too so he could pursue his work here today, which was time well spent in this chamber for this country.

That said, we obviously cannot wish him well on a professional basis because we are very proud of the Notley government. Here I would make the casual observation that both Brian Jean and Jim Prentice left this chamber to go to Alberta. I do not know if the Conservative Party is doing this on purpose, but it should quit sending us candidates from the federal party for us to defeat them provincially.

There is one last quote from John Diefenbaker that I think is a good way to conclude: “I never think of memories; I am still making history”.

I want to thank the member for making memories for his constituents, for this country, and for this chamber, and to wish him well in his next chapter.

• (1050)

The Speaker: I thank all hon. members who spoke today for their sentiments.

Now we will go on to orders of the day.

GOVERNMENT ORDERS

[English]

BUSINESS OF SUPPLY

OPPOSITION MOTION—APPOINTMENTS TO THE SUPREME COURT

Hon. Rob Nicholson (Niagara Falls, CPC) moved:

That the House call on the government to respect the custom of regional representation when making appointments to the Supreme Court of Canada and, in particular, when replacing the retiring Justice Thomas Cromwell, who is Atlantic Canada’s representative on the Supreme Court.

He said: Mr. Speaker, I am pleased and honoured to split my time with the hon. member for St. Albert—Edmonton.

I cannot really start this without saying how moved I was by the comments concerning the member for Calgary Midnapore. He has done an outstanding job. I have been very proud to serve in Parliament with him, and I was particularly moved by his speech. I

Business of Supply

would hope that people who study the history of the House of Commons will include his speech today as one of the great moments in the history of this chamber.

I am rising today in defence of the people of Atlantic Canada in regard to the Prime Minister’s questioning of the constitutional convention of appointing a representative from Atlantic Canada to the Supreme Court of Canada. I am speaking on behalf of Atlantic Canada, but indeed I believe everyone across this country has a stake in the constitutional convention that makes up the Supreme Court of Canada. If one is from western Canada, I am sure it would be as completely unacceptable if the Prime Minister started questioning whether we should have a seat on the Supreme Court of Canada. I believe that would be the case.

It was fascinating for me recently to look up the information on file concerning my great-great-grandfather, Alexander Campbell. He served with distinction as the member of the Legislative Assembly of Nova Scotia for Inverness County. While they did not have *Hansard* for many, many years in the way we now have it, they were transcribing people’s exact words and would do a summation of what a member of the Legislative Assembly said, and they would publish that. I was fascinated to see, among other things, that he questioned whether Cape Breton was getting ignored or was getting its fair share from Ottawa. I thought to myself how unhappy and how ironic it is today that we are talking about Atlantic Canada being ignored and not being properly treated.

This has been a constitutional convention for over 140 years and is something that has worked well and is only appropriate. This is a vital part of this country. It has always been since this country’s creation. There are 2.3 million Atlantic Canadians, and to say that they will now not have that constitutional convention of having a representative on the Supreme Court of Canada is not acceptable.

I am hoping that we in the Conservative Party will not be alone in challenging this. I have had people say to me, “You just have to understand, the Liberals do not like anything about our system. They don’t like our electoral system, our voting system; they don’t like the composition of the Supreme Court of Canada”. Well that is not good enough. There is nothing wrong with the wonderful systems that we have developed in this country, and what we have done with the Supreme Court of Canada is something we should be very proud of.

It is certainly my hope, as members will note from the drafting of the motion, that it will not be seen as partisan, or angry, or unreasonable. I am hoping that along with us in the Conservative Party, some of the 31 members of Parliament from Atlantic Canada will stand and say the same thing. Okay, the Prime Minister does not like it, but it is the right thing to do. Certainly I have heard a deafening silence, quite frankly, and certainly it is my hope that we will hear from some of the four Liberal premiers in Atlantic Canada. A week ago, I heard from the opposition leaders from the Progressive Conservative Party in Atlantic Canada, who were unanimous in thinking it would be a great idea for us to continue this constitutional convention, that it would be the fair thing to do.

It is not just us in the Conservative Party who think this is a great idea. There is a groundswell of support for supporting the existing constitutional convention. I would like to bring attention to others who have come forward.

Business of Supply

•(1055)

One judge, apparently from Atlantic Canada, speaking on condition of anonymity, which I can understand, said:

Universally people feel that it's a slap in the face. It's looking at leaving Atlantic Canada out, and there's really no need for doing it.

René J. Basque from the Canadian Bar Association said:

We would like to see the highest court continue to represent all regions of Canada. Representation of regions, legal systems and population all bring the range of knowledge and perspectives that inform the law.

A letter from the Canadian Bar Association states:

Our highest court must continue to represent all regions of Canada, including Atlantic Canada. Consequently, we urge you to amend the mandate of the Advisory Board outlined in your August 4, 2016 letter, to ensure that the Atlantic Canada vacancy is filled by a meritorious candidate from that region. We also urge you to honour regional representation in filling future vacancies on Canada's highest court.

There is no problem with appointing qualified judges from Atlantic Canada. I had the great honour of being the longest-serving justice minister, certainly in my lifetime. I was involved with hundreds of appointments. There are outstanding individuals in Atlantic Canada who could do this.

That is all I am asking. This is all my colleagues in the Conservative Party are asking. Let us do the right thing.

We want to reach out to others. Quite frankly, there is a lawsuit by Atlantic Canadian lawyers who are taking this matter to court, because they say, quite correctly, that this is a violation of a constitutional convention. There is no question that it is. I have been very clear that, yes, it would be a violation of a constitutional convention, but I also believe it is the right and appropriate thing to do to have all areas of this country represented on the Supreme Court of Canada. It is not just the constitutional issue; it is the right thing to do.

There are many things that the government and the Prime Minister do not like. They do not like the electoral system in Canada. There are all kinds of things they do not like about the tremendous successes we have had in this country.

However, one of the successes that I think they should leave is the success of the composition of the Supreme Court of Canada. Again, I would say to those 31 members of Parliament from Atlantic Canada, please step forward and have a look at the wording of this motion. This is not overly partisan. There should be no problem with this. Step up, step forward for Atlantic Canada. I believe the people of Atlantic Canada will thank them for doing that. Their constituents will thank them for doing it, because they know it is the right thing to do.

Mr. Murray Rankin (Victoria, NDP): Mr. Speaker, I would first like to thank my colleague, the member for Niagara Falls and former attorney general and minister of justice for his service.

The motion before us today suggests that Justice Thomas Cromwell is "Atlantic Canada's representative on the Supreme Court". This strikes me as a very narrow and limited understanding of the role that justices play on the highest court, that somehow Justice Cromwell is not a Canadian first and foremost.

Is it the member's view that this convention must be automatically and immediately applied in every circumstance? I would remind my

friend that at the end of 1978, Justice Spence of Ontario retired, and instead of appointing an Ontario judge, the then-prime minister tapped William McIntyre of British Columbia to be on the court. Then four years later, in 1982, an Alberta justice stepped down from the court, and the then-prime minister replaced him with an Ontario judge.

Is it the member's view that this convention is automatic and immediate each time? Were those appointments illegitimate?

•(1100)

Hon. Rob Nicholson: Mr. Speaker, let me just say this. Those individuals, regardless of which part of the country they came from, will speak for all of Canada and they represent all of Canada.

However, I believe it has been an important component of the composition of the Supreme Court that we have honoured this constitutional convention that all areas of the country should be drawn upon for representation on the Supreme Court of Canada.

I would say to the hon. member that if there were no representatives from western Canada on the Supreme Court of Canada, and yes, there were an outstanding individual in the province of Ontario, I believe he would have a problem with that. The hon. member would not be very pleased with that, nor would I. I love the province of Ontario. I love Nova Scotia. I love Atlantic Canada.

Again, I believe it is a good idea. It is the appropriate thing. It is a constitutional convention, and I believe it should be respected.

I say to the Prime Minister, do the right thing and stay with this convention. There are many qualified people, judges who could take on this role from Atlantic Canada. Appoint one of them. That is the right thing to do.

Hon. Candice Bergen (Portage—Lisgar, CPC): Mr. Speaker, the Conservative caucus recently came back from Halifax where it held its meeting. It was a wonderful opportunity to see Halifax and meet the great people in Atlantic Canada.

Could my colleague comment on the ramifications for the folks in Atlantic Canada if this convention is not followed and if not only prime minister ignores this convention but the Liberal members of Parliament from Atlantic Canada also remain silent and do not speak on behalf of their constituents in that region? This is not just a short-term appointment for a year or two.

I would like my colleague to comment on the length of this new Supreme Court position. How long would it be and what would the long-term ramifications be if Atlantic Canada is ignored, both by the Prime Minister and the members who represent this region?

Hon. Rob Nicholson: Mr. Speaker, that is an excellent question and I very much appreciate it.

The member pointed out that just last week, in fact, the Conservatives met in Halifax and discussed a wide range of issues, including this one. As I indicated, the leaders of the opposition from the Progressive Conservative Parties in Atlantic Canada were unanimous that this was the right thing to continue to do.

Business of Supply

We have to respect all areas of our country. We were outside the Irving shipyard. I could not help but think about how proud the Conservatives were, as a government, for having invested in it. It was the right thing to do. People in Atlantic Canada know how to build ships. They know how to do that in Halifax. Again, we are very proud, and it was the appropriate thing to do.

It is a similar situation with the Supreme Court of Canada. When the Supreme Court of Canada was established, regional representation was supported by every prime minister throughout history. As I pointed out in question period yesterday, this is the first prime minister who has called this into question. Why he is doing that? What is the problem?

Somebody may say he does not like the electoral system, the way people vote in Canada. I disagree with him on that, but this has been a huge success, something of which we have all been very proud. I call on the 31 members to please stand up for this. Other members of Parliament in other parts of the country would not disagree with it either. They would disagree with it if the system did not require someone from western Canada. I would not like it if Ontario was not represented on the Supreme Court of Canada. Therefore, I ask them to stand up and do the right thing.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Mr. Speaker, I rise today in strong support of the motion to call upon the Prime Minister and the government to appoint an Atlantic Canadian to fill the vacancy caused by Justice Cromwell.

Since the Supreme Court was established in 1875, every government has respected Atlantic-Canadian representation on the court, every government until the current government.

The fact that the government has opened the door to shutting out Atlantic Canada from the Supreme Court is objectionable, on multiple grounds. It demonstrates a total disrespect for Atlantic Canada and Atlantic Canadians, not to mention the dozens of high-calibre jurists and lawyers who are eminently qualified to fill the vacancy of Justice Cromwell.

It also shows a total disrespect for regional representation, which has been a staple of the institutional development of the Supreme Court, and, indeed, which has been a staple, more broadly, of the institutional development of Canada. It totally disregards a constitutional convention guaranteeing Atlantic-Canadian representation on the Supreme Court as well.

It was not more than two years ago that the Supreme Court, in the Nadon decision, held that Parliament did not have the unilateral authority to change the composition of a court.

Today, it is not Parliament that is seeking to unilaterally change the composition of a court; it is the executive branch. It is the government that seeks to unilaterally overturn the composition of this court by shutting out Atlantic Canada.

A little more than a month ago, the Minister of Justice appeared before the justice committee. I asked her, in the face of the Nadon decision, exactly what authority, exactly what jurisdiction did the government have to unilaterally change the composition of a court. With the greatest of respect to the Minister of Justice, I did not receive a clear answer, and since that time I have yet to hear a clear answer from her, or from anyone on that side of the House, on

that important question. I suspect the reason I have not heard a clear answer is that there is a strong legal argument to be made that the government does not have the authority to unilaterally overturn the composition and change the composition of a court by shutting out Atlantic Canada.

What would the implications be if the Prime Minister decided that he would appoint someone other than an Atlantic-Canadian to fill the seat of Justice Cromwell? Obviously, Atlantic Canada would be shut out of the Supreme Court for the first time in 141 years. What is more, Atlantic Canada would be singled out as a region. It would be singled out because it would be the only region on the Supreme Court without representation. In light of the constitutional convention, there would be serious legal questions that would immediately arise, calling into question the constitutionality of such an appointment.

It is therefore no wonder that the Liberal appointment process has been widely critiqued by lawyers and academics right across Canada, from the Canadian Bar Association, from the Atlantic Provinces Trial Lawyers Association, and on and on.

● (1105)

However, who has not raised any objection and been collectively silent on the issue of Atlantic Canadian representation on the Supreme Court? They are the 32 Liberal MPs from Atlantic Canada. There has been not a word, not a peep, from the 32 Liberal MPs from Atlantic Canada; not a word, not a peep from the Minister of Fisheries; not a word, not a peep from the minister responsible for ACOA, the minister for Atlantic Canada. Where is he from? The minister responsible for Atlantic Canada is from Mississauga. I guess the memo never got to the Prime Minister that Mississauga is in Ontario and not in Atlantic Canada. Nonetheless the minister for Atlantic Canada from Mississauga, Ontario has said not a word in support of Atlantic Canadian representation on the Supreme Court.

What do we have? We have 32 Liberal MPs from Atlantic Canada who have been MIA, missing in action, when it comes to standing up against a constitutionally questionable appointment process. They are missing in action when it comes to standing up for 141 years of Atlantic Canadian representation on the Supreme Court. They are missing in action when it comes to standing up for the eminently qualified jurists and lawyers who hail from Atlantic Canada. Above all else, they are missing in action when it comes to fulfilling the core responsibility that they were entrusted by the people of Canada to do in this place, and that is to stand up for Atlantic Canada.

Over the nearly one year that I have been here, I have had the opportunity to become acquainted with a number of members from Atlantic Canada. I genuinely believe they are here to do what is right and to do their very best to represent their constituents and their region. That is why it is so sad and so disappointing that on this critical issue they have been missing in action.

However, this opposition motion provides those 32 Liberal members an opportunity to join us in the Conservative Party to stand up for Atlantic Canada. They have a choice. They can stand up for Atlantic Canadian representation or they can stand behind the Prime Minister's constitutionally questionable, objectionable appointment process to shut out Atlantic Canada. The choice is clear. It will be interesting to see which choice they make.

Business of Supply

•(1110)

Mr. Sean Casey (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I would like to thank my Conservative friend for his new-found interest in Atlantic Canada.

Hon. Candice Bergen: That's not fair.

Mr. Sean Casey: It absolutely is fair. Mr. Speaker. Why do we not talk about Senate appointments in Prince Edward Island? Does the member want to talk about respect for the regions?

My question is this. Has the hon. member read the mandate letter submitted by the minister to the committee that specifically instructs the committee to include candidates from Atlantic Canada? Does the member believe that lawyers and judges from Atlantic Canada are not capable of competing in a national competition? We have news for him.

Mr. Michael Cooper: Mr. Speaker, the simple answer is that the minister could clear the air by simply appointing an Atlantic Canadian to fill the seat of Justice Cromwell. It is really that simple.

Mr. Murray Rankin (Victoria, NDP): Mr. Speaker, my colleague from St. Albert—Edmonton referred to the Nadon case of 2014 Supreme Court decision where he addressed the unilateral alteration of the composition of that court. The member seems to suggest that this case, which involved the constitutional and statutory requirement that three of the nine justices of our court come from that civil law jurisdiction in Quebec, as being somehow similar to what is happening in this convention. Does he not see a difference between a statutory and constitutional requirement and a simple convention, custom, or tradition?

•(1115)

Mr. Michael Cooper: Mr. Speaker, I would make a couple of points with respect to the Nadon decision. First, it has been long-recognized, including by the court in Nadon, that the composition of the court's regional representation from all regions of Canada is integral to the effective functioning of the court and the court's ability to maintain institutional legitimacy, and has been respected for 141 years.

I would further note that at paragraph 91 of the Nadon decision, the Supreme Court very clearly said that Parliament does not have the unilateral authority to change the composition of the court. The composition of the court for 141 years has included an Atlantic Canadian representative.

Mr. Dan Albas (Central Okanagan—Similkameen—Nicola, CPC): Mr. Speaker, in the last election, we did not hear from the Liberal Party that it would make this change. However, we did hear that it was going to empower its members of Parliament and that it would only whip votes in matters of electoral commitments, budget bills such as budget implementation acts, or charter issues.

Does the member believe that the government owes it to its own members, especially those from Atlantic Canada, to declare that there shall be a free vote on this issue so that they can, in good conscience, stand up for their representatives? Does he believe the government should make it abundantly clear that its members should be free to vote as they choose?

Mr. Michael Cooper: Mr. Speaker, if the government was true to its word, true to the commitments that it made during the last

election, obviously it would take the position of allowing its members to have a free vote. However, we know that the government has been true to very few of the things it promised in the last election. Therefore, now that the PMO has muzzled Atlantic Canadian MPs in standing up for Atlantic Canadian representation, it is integral on their part that they truly are here doing what Atlantic Canadians sent them to do, which is to stand up against the Prime Minister and to stand up for Atlantic Canadian representation. The first step toward doing that is to support this common-sense motion.

Hon. Jody Wilson-Raybould (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, it is indeed my great pleasure to rise to speak to the motion regarding the process for selecting the next justice of the Supreme Court of Canada.

The motion rightly highlights the importance of the custom of regional representation. It is a custom that has served the court and our country well, and one that I wish to address with care. Before speaking to the issue of regional representation directly, I wish to situate the motion within the Government of Canada's new process for the Supreme Court of Canada appointments.

Canadians are extremely fortunate to have been served by judges of the highest distinction and ability since the time the court was established. Our Supreme Court is recognized nationally and internationally for its legal excellence and competence. Its decisions are cited by other supreme courts all over the world who look to Canada for leadership in the protection and promotion of rights and freedoms.

I would like to take a moment to recognize the extraordinary quality of the members of the Supreme Court, past and present. The justices of the court have each distinguished themselves in their judicial function, and it is a testament to the great ability of our legal profession that so many have done so with such distinction. The decisions of the Supreme Court interpret our Constitution, affirm our individual and collective rights, and highlight our responsibilities.

The selection process we have established is intended to ensure that the Supreme Court's proud tradition of excellence continues. By enhancing the credibility of the appointment process, we bolster Canadians' confidence in this essential institution.

While appointments to the Supreme Court of Canada have been of exceptional quality, the process itself has been open to criticism due to the lack of transparency and accountability. Canadians deserve an open and rigorous appointments process, which will enhance public confidence in our highest court. The Government of Canada is therefore extremely proud to have put in place a new appointments process for the Supreme Court that is open, inclusive, and accountable to Canadians.

Our new process achieves transparency in a number of ways, including providing detailed public information on the steps to be taken and the criteria that will be used to assess candidates. The identity of those making the assessments has also been made public.

Business of Supply

Making the process and the criteria for decision-making publicly known ensures that decision-makers can be held to account. To further bolster accountability, the chair of the advisory board and I will appear before Parliament to discuss the selection process and explain the government's choice of nominee.

The government's process has achieved an unprecedented level of transparency and inclusiveness by allowing any qualified Canadian lawyer or judge to submit their candidacy through an open application process. The body charged with identifying a short list of exceptional candidates is also inclusive in nature.

As hon. members are aware, the heart of our new process is the seven-member Independent Advisory Board on Supreme Court of Canada Judicial Appointments. The advisory board includes a retired judge nominated by the Canadian Judicial Council; two lawyers, one nominated by the Canadian Bar Association and the other by the Federation of Law Societies of Canada; and a legal scholar nominated by the Council of Canadian Law Deans. The other three members, including two non-lawyers, have been nominated by me as Minister of Justice.

The composition of the advisory board was designed to ensure that the candidates would be assessed by a non-partisan, independent body, and to ensure that the board includes the depth of experience, expertise, and diversity necessary to effectively apply the assessment criteria. In this regard, representation from the judiciary and the legal community provides critical input into assessing the professional qualifications of candidates. The lay members, who are prominent and well-respected Canadians, ensure a broader perspective and help bring the diversity of views to the board's deliberations. We have carefully selected members with a view to ensuring gender balance, diversity, including linguistic diversity, and regional balance in the committee's composition.

• (1120)

It is important to emphasize that board members do not participate to represent particular interests of constituencies. Rather, their role is to bring their diverse backgrounds and viewpoints to bear in identifying the best candidates.

The critical task of the advisory board is to provide the Prime Minister with non-binding recommendations of three to five qualified candidates and functionally bilingual candidates for consideration and that must include candidates from Atlantic Canada.

The period for applications closed on August 24 and since that date the advisory board has been evaluating the candidates in accordance with the published set of criteria, which relate to skills, experience, and the qualities candidates need to excel in our final court of appeal. The criteria also relate to the institutional needs of the Supreme Court.

More specifically, candidates will be assessed based on the following personal skills and experience: demonstrated superior knowledge of the law; superior analytical skills; ability to resolve complex legal problems; awareness of and ability to synthesize information about the social context in which legal disputes arise; clarity of thought, particularly as demonstrated through written submissions; ability to work under significant time pressures

requiring diligent review of voluminous materials in any area of the law; and a commitment to public service.

Applicants will also be assessed based on the following personal qualities: an irreproachable personal and professional integrity; respect and consideration of others; the ability to appreciate a diversity of views, perspectives, and life experiences, including those relating to groups historically disadvantaged by Canadian society; moral courage; discretion; and open-mindedness.

Finally, in carrying out their assessments the advisory board will consider the following institutional needs of the court: ensuring a reasonable balance between public and private law expertise, bearing in mind the historical patterns of distribution between those areas in Supreme Court appeals; expertise in any specific subject matter that regularly features in appeals and is currently under-represented on the court; and ensuring that members of the Supreme Court are reasonably reflective of the diversity of Canadian society.

The government is confident that the application of these assessment criteria will lead to the identification of outstanding candidates for our highest court.

As noted, the advisory board is tasked with identifying three to five highly qualified, functionally bilingual candidates from among this pool of applicants, a list that must include candidates from Atlantic Canada. It will then be for the Prime Minister, supported by me as Minister of Justice, to select a nominee from this list.

Our government takes this responsibility very seriously. It will be done following consultations on the short list with the chief justice of Canada, relevant provincial and territorial attorneys general, cabinet ministers, opposition justice critics, as well as members of the House of Commons Standing Committee on Justice and Human Rights, and the Senate Standing Committee on Legal and Constitutional Affairs.

Once the Prime Minister has chosen the nominee, I will appear before the House of Commons Standing Committee on Justice and Human Rights with the chairperson of the advisory board to explain how the chosen nominee meets the statutory requirements and the criteria.

Further to the committee hearing, the nominee will also take part in a moderated question and answer session with members of the House of Commons Standing Committee on Justice and Human Rights, the Senate Standing Committee on Legal and Constitutional Affairs, and representatives from the Bloc Québécois and the Green Party. Our government believes that this process will set a high standard for accountability and serve to enhance Canadians' confidence in our justice system.

With the government's new process for Supreme Court appointments now in view, I turn to the important issue raised by the hon. member for Niagara Falls regarding the custom of regional representation. I thank the hon. member for allowing me to address this important aspect of our new open and transparent process for Supreme Court of Canada appointments.

Business of Supply

●(1125)

The motion calls on the government to respect the custom of regional representation when making appointments to the Supreme Court of Canada and makes special reference to the vacancy left by the retirement of Justice Thomas Cromwell.

I wish to speak in favour of the motion. Regional representation of the court has been front of mind throughout our efforts to create a new process for Supreme Court appointments. In the Prime Minister's letter to the members of the independent advisory board, he tasked the board with considering the custom of regional representation as an important factor to be taken into account in formulating recommendations. The Prime Minister further ensured that this custom would be reflected in the short list prepared by the board in directing that the short list include candidates from Atlantic Canada.

In articulating the factors that will influence the board's deliberation and in directing the short list of names to include candidates from Atlantic Canada, the Prime Minister has affirmed our government's commitment to the custom of regional representation. Our commitment to representation on the court is real. It is a commitment to Canada's regions, but it is also a commitment to Canada's great diversity.

As our Prime Minister so rightly says, diversity is Canada's strength. It is not a challenge to be overcome, or a difficulty to be tolerated. Our diversity is a source of strength for us as a country. We believe that diversity in all its richness is also the strength for the Supreme Court and the judiciary generally. It is a belief that is shared by the hon. chief justice of Canada when she says:

Diversity within the judiciary is important for two reasons. First, like understanding social context, diversity on the bench is a useful way to bring different and important points of view and perspectives to judging. Second, a diverse bench that reflects the society it serves enhances public confidence in the justice system.

A Supreme Court that is not regionally representative will not be a diverse court. It is therefore for good reason that the custom of regional representation has developed and has been respected throughout the court's history. However, it would be a mistake to assume that this custom lacks flexibility or requires too rigid an application.

The custom's flexibility, as was mentioned earlier in the House, was manifest between 1979 and 1982 when Justice Spence from Ontario retired and was replaced in 1979 by Justice McIntyre from British Columbia. During the three years, the court was not served by the customary two, but by three justices from western Canada.

In 1982, Justice Martland of Alberta retired. He was replaced by a justice from Ontario. She was the first female justice appointed to our highest court. Her name will be well known to many, if not everyone, in the House. She is Bertha Wilson. Her appointment, which distinguished the court in so many of its great decisions, was made possible in part due to flexibility in the application of the custom of regional representation. Indeed, this precedent speaks to a more general truth.

The custom of regional representation requires some flexibility. Without flexibility, Canada's three territories will forever be without

representation on our country's highest court. Too rigid an application of the custom would deny our great territories their opportunity to be represented on the courts. Without flexibility, western Canada would never have had three members on the court. Without flexibility, Atlantic Canada will never secure more than one member on our highest court. Without flexibility, we would blind ourselves to the great mobility of Canadians who practise law in different provinces and call more than one region of our great country home.

For example, Justice Bertha Wilson was called to the bar in Nova Scotia before practising in Ontario and being appointed as a judge of that province. To offer another example, Justice Thomas Cromwell was born in Kingston and practised and taught law in Ontario before moving to Nova Scotia and being appointed a judge of that province.

●(1130)

These experiences by Justice Cromwell and Justice Wilson and by so many other lawyers and justices across our regions' many jurisdictions enrich perspectives and contributions to the law. We must not be tempted to discount them by too quickly and too simply classifying Canadians into one or another region and denying their allegiances to another of our great regions. We must not be tempted to lose sight of the flexibility in the custom of regional representation.

In speaking in favour of this motion, I highlight the government's commitment to a Supreme Court that is representative of Canada's regions and Canada's great diversity. I am confident that with this new, open, and transparent process for Supreme Court appointments, Atlantic Canadians, and indeed all Canadians, will see themselves reflected in this essential and esteemed national institution.

As a member of this House and as a Canadian, I look forward to the news of the Prime Minister's ultimate decision and to the opportunity to hear directly from the candidate. It is incredibly exciting to be part of a process to appoint the next Supreme Court of Canada justice.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Mr. Speaker, it certainly is encouraging to hear that the minister and the government will support our Conservative opposition motion, and surely if the government will support our opposition motion to respect the constitutional convention guaranteeing Atlantic Canadian representation, it follows therefore that presumably the government will appoint an Atlantic Canadian to fill the vacancy of Justice Cromwell.

Will the minister confirm that?

●(1135)

Hon. Jody Wilson-Raybould: Mr. Speaker, I thank my hon. colleague across the way for his participation on the justice committee. I look forward to presenting with the Hon. Kim Campbell at the committee, to speak about the Supreme Court process and to speak about the potential or the future nominee.

Business of Supply

As I have indicated in this House many times, I am pleased that we introduced a new process for Supreme Court of Canada appointments. As clearly articulated in the mandate letter from the Prime Minister to the independent, non-partisan advisory board, there is an emphasis on the need to have representatives on the short list from Atlantic Canada. The short list will name between three and five people, and there will be candidates from Atlantic Canada.

I have every confidence that the list will reflect the highest calibre of jurists, and there are many high-calibre jurists from Atlantic Canada.

Mr. Murray Rankin (Victoria, NDP): Mr. Speaker, I thank the Minister of Justice for her thoughtful presentation. In it she spoke about the process for the selection of the government's choice of Supreme Court justice, and I understood her to say during the summer that the minister would not consult with parliamentarians or the justice committee until after the Prime Minister's decision has been made. I understand that this would be a non-binding recommendation by the advisory group, with absolute discretion on the Prime Minister's part, as it always has been, to appoint whomever he wishes.

My question is this. Does the government believe that Canadians' elected representatives, members of Parliament, should be consulted before the final decision is made?

Hon. Jody Wilson-Raybould: Mr. Speaker, I thank my hon. colleague for the question and for his desire to be involved in the process, which I think is something that all members of this House should be involved in, in terms of having conversations about this fundamental institution and the gravity of appointing the next Supreme Court of Canada justice.

What we have sought to do in this new process is to build in many different opportunities to engage with parliamentarians on the appointment of the next Supreme Court justice, including appearing before the House of Commons Standing Committee on Justice in the summer.

I have committed, as I said in my remarks, to engaging with a wide variety of individuals in terms of the short list for the candidates for the Supreme Court of Canada and, in particular, when the Prime Minister has identified a nominee, to appearing before the committee with the chair of the advisory board to discuss this nominee, and certainly to receiving feedback on the process itself. I am very happy to engage not only with my hon. colleague across the way but with other critics in this House as well as the chief justice of the Supreme Court of Canada and the relevant attorneys general.

I look forward to ensuring that this is an open, transparent, and accountable process that will ensure we have an eminently qualified candidate for the next Supreme Court of Canada position.

Mr. Sean Casey (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I would like to thank the minister for confirming the government's respect for the custom of regional representation and our party's support for this motion.

I was a member of the justice committee at the time of the last appointment to the Supreme Court and there was no involvement by

any parliamentarians, not before, not after, and not during. It was a completely opaque process.

I wonder if the minister might be able to comment on the importance of the involvement of parliamentarians and what the issues were with the last process that prompted the changes we are discussing today.

Hon. Jody Wilson-Raybould: Mr. Speaker, I am pleased to talk about the process.

The short answer to the question is that there was no process before. What we have sought to do, comparing an actual process to no process, is institute a transparent, open, and accountable process. It ensures we engage with parliamentarians, attorneys general across the country, and the chief justice; ensures we have an open process that invites qualified jurists from right across the country to ensure we are reflective of diversity, which is hugely important; ensures there are functionally bilingual candidates; recognizes that there are extremely qualified jurists from every jurisdiction; and ensures we have the ability to make substantive decisions about this really important appointment and make recommendations to the Prime Minister.

The difference is that we have now instituted an open process and invite everybody to contribute their thoughts on that process.

• (1140)

Mr. Todd Doherty (Cariboo—Prince George, CPC): Mr. Speaker, my hon. colleague across the way has spoken about the process now being open and transparent. We just heard an intervention by the parliamentary secretary to the Minister of Justice, saying the earlier process, the one that has served our country for more than 141 years, was perhaps not open and transparent. At least that is what was insinuated by the intervention.

I guess my question is this. Non-partisan people were selected to be on the committee to vet the applications for the Supreme Court. What was the process of selecting those on this non-partisan committee?

Hon. Jody Wilson-Raybould: Mr. Speaker, I would first like to highlight that, as long as this fundamental institution of our government has existed, it has exemplified excellence, and I do not want to take away from that excellence. I applaud it and recognize that, for this fundamental institution, we have sought to open up the process for the appointment of new judges to that court and to ensure that people can participate in that process.

In terms of the process that we have instituted, fundamental to that process is the advisory board that the member is speaking about, having seven eminently qualified people, with a diversity of perspectives, to participate in going through the applications based on publicly disclosed assessment criteria on the website. Without question, the chair of the advisory board is eminently qualified, being a former prime minister, Kim Campbell. The other six members of the advisory board have been chosen from the judiciary for their excellence in the law, and the non-lawyers reflect the diversity of the country in terms of regional representation and diversity generally. I cannot imagine there are many people who could question the qualifications of the members of the advisory board.

*Business of Supply***Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):**

Mr. Speaker, I am wondering if the minister would comment further in regard to the issue of transparency and accountability. She makes reference to the advisory board, which is an incredible group of individuals who go through the different applications. Could she comment on what role the standing committee plays here?

Hon. Jody Wilson-Raybould: Mr. Speaker, I thank the member for acknowledging the role of the advisory committee. I was very honoured to present to the House of Commons committee earlier in August to speak about the process for the appointment of the next justice and to seek their feedback. That desire remains. I further indicated that the House of Commons committee would have a further opportunity to engage on this issue when the Prime Minister has announced a nominee. I and the hon. Kim Campbell will present before that committee to speak about the process by which the nominee was identified and to answer questions.

Further to that, I look forward to having a special session with parliamentarians where the nominee will, in a moderated session, be able to answer questions from parliamentarians.

• (1145)

Mr. Murray Rankin (Victoria, NDP): Mr. Speaker, the questions that Canadians are wrestling with today are about the kind of Supreme Court we want, and how we get there.

Are we satisfied with the various systems of executive appointments that have been used in recent decades, or is it time for a more open, inclusive, and lasting reform? Is the tradition of regional quotas working adequately today, or should it be considered alongside other values to make the court better reflect the makeup of this great land?

These questions should not be used to divide Canadians. Each of us and our friends and colleagues will answer them differently. Canadians in Atlantic Canada are right to be concerned about regional representation on the court. Of course, all of the Atlantic provinces cannot be lumped together. As a whole, the four Atlantic provinces have supplied three chief justices to our highest court, yet we have never had a justice from Newfoundland and Labrador, nor has there been a judge from Prince Edward Island since 1924.

The tradition of regional quotas on our highest court is silent about how to ensure fair representation amongst the Atlantic provinces, just as it does not guarantee balance between each of the western provinces. At any given moment, the court lacks representation from several western and Atlantic provinces, and there is no mechanism to ensure that these inequalities are evened out over time.

Not surprisingly, therefore, some Canadians wonder whether the system of strict regional quotas is actually fulfilling the principle of regional representation. There is broad agreement in this chamber and across the country that our highest court must mirror the Canadians it serves.

If we accept this principle, then we must acknowledge that regional representation is not the only principle at stake today. We must equally acknowledge the shameful fact that representation of minorities is now and has always been lacking entirely for our indigenous peoples and other Canadian visible minorities. We must

recognize that while we celebrate the increased representation of women on our Supreme Court, women are still far from equally represented in our judiciary.

The question is not whether or not our Supreme Court ought to represent all Canadians and every part of this country. It is how do we build a system that ensures that representation for years to come?

Sadly, the motion before us fails to offer a solution. Instead, it seems to seek to divide us.

Nonetheless, we will be voting in favour of this motion. It includes two parts. The first is a general statement of respect for the custom of regional representation. Of course, we agree entirely with that proposition. Regional representation, as has been said, must continue to be a vital part of the fabric of appointments. However, the second part suggests that somehow Justice Cromwell is simply "Atlantic Canada's representative" on our highest court. This is a narrow and atrophied view that shortchanges what Justice Cromwell has brought to the bench.

Peter Hogg wrote this on the issue of regional representation:

The nature of the judicial function, as understood in Canada and other countries in which the judiciary is independent, does not allow a judge to "represent" the region from which he was appointed in any direct sense, and certainly does not allow the judge to favour the arguments of persons or governments from that region.

It is vitally important that our court as an institution can, when considering a case from a particular region, understand that region's distinctive characteristics.

In order to understand how we got here, it is important to remind ourselves of a little history. The Supreme Court was established neither at Confederation nor by the Constitution Act, 1867. Although the Constitution Act did allow for the creation of a general court of appeal, that did not happen for another eight years. Until 1875, our final court of appeal was the United Kingdom's.

When a Canadian Supreme Court was created, it was established merely by a federal statute. That ordinary act of Parliament governs the court's jurisdiction and composition.

• (1150)

What was that composition?

At first, the court was comprised of only six judges and its statute required that at least two of those came from Quebec. In 1927, a seventh judge was added; and in 1949, two more. With that latest addition, the number of Quebec judges rose to the current composition of three.

The current pattern of regional representation—three justices from Quebec, three from Ontario, two from four western provinces, and one from the four Atlantic provinces—is in fact a quite recent practice, dating only from 1949. The existing arrangement has operated for some 67 years, but it is key to note that it has not operated in an automatic, lockstep fashion. For example, as the minister pointed out in her remarks, in 1978, Justice Spence of Ontario retired and was replaced by Justice McIntyre of British Columbia, not Ontario. Four years later, a justice from Alberta retired and was replaced by another from Ontario, Madam Justice Bertha Wilson, thus restoring, over time, the customary balance.

Business of Supply

My point is that this is not a straitjacket; this is a convention that has been operated successfully, but not in an automatic fashion.

Similarly, the practice of alternating the chief justiceships between French-speaking and English-speaking justices, which has generally been followed since 1944, has also not operated continuously. It was not followed from 1984 to 1990, for example.

These two traditions served important roles of regional and linguistic representation, but they are neither particularly long standing, nor constant in their application. Each furthers the true goal of a representative court, but not in a cookie-cutter fashion.

The convention of regional representation has helped avoid the worst inequities between our regions, but it has not resulted in fair representation for every province. As I said, it is a sad reality that there has never been a justice from Newfoundland and Labrador, and it has been almost a century since justices from Prince Edward Island have been on our Supreme Court.

Moreover, neither has the convention of alternating chief justiceships ensured fair linguistic representation, because, despite receiving submissions in both official languages, justices are not yet required by the Supreme Court Act itself to be bilingual. Many Canadians would be surprised to learn this. After all, a proposal to fix this was passed by the House of Commons as far back as 2010. Unfortunately, Parliament was gridlocked by Conservatives and it never became law.

However, I must salute the hard work of my colleague, the member for Drummond, who is carrying the torch on this vital reform.

This is about ensuring that future governments respect the basic principle of equal access to justice. That is what inspired our former colleague from Acadie—Bathurst, Yvon Godin, to fight for this bill in past Parliaments.

I am grateful to the member for Drummond for all his hard work and dedication to see that this goal is achieved this year.

In part, we have had to rely upon traditions and continual reforms because the statute that established the court and defined its composition simply imposes two requirements: first, that the nominee be either a judge of the superior court of a province, or a lawyer of 10 years' standing at the bar of that province; and, second, that at least three of the nine judges come from the civil law jurisdiction of Quebec.

Many Canadians feel that such an abbreviated statute does not capture the range of values that should inform appointments to our highest court. Canadians want jurists of the highest calibre. They want a judge and a court that represents all regions and understands our differing cultural and legal traditions, including, I hope, indigenous customary law. They want a court that mirrors the diversity of contemporary Canada. They want a court that offers equal access to justice to every Canadian, regardless in which official language they choose to make their case.

That is why it is so important to move beyond the secretive appointment processes used by past governments, Liberal and Conservative alike, and develop, finally, an open, transparent, merit-

based appointment process that will stand the test of time. Sadly, the motion before us does not propose a solution to that problem.

• (1155)

Canadians have many different understandings of what makes a good jurist and a diverse court. How do we consider gender, race, ethnicity, age, sexual orientation, religion, and culture when we seek a representative court?

Just as there were many who resisted the idea of increasing appointments of women to our courts, some will argue that continuing our progress toward representative courts and diversity is just ticking a box and somehow comes at the expense of merit. However, to presume that the principles of merit and diversity are somehow in conflict is to do a disservice to the many great legal minds we find in Canada from all backgrounds. It ignores the value that diverse personal experience brings to the bench.

Canadians know that for courts to tackle the most pressing issues of law today they must understand our distinct regions, but they also need to understand much more. They need to bring the experience of racialized minorities to the justice system and the language and culture from which aboriginal treaties arose.

For those who would stand in the way of that progress, we have a simple message: In the 21st century, we expect our courts to be as diverse as our communities. That is not a lower standard. It is a higher standard.

We must remember that the gaps to be closed through these appointments are not narrow. For many Canadians, there is still a yawning chasm between their representation in our communities and their representation in our courts.

Women have made great strides toward equal representation in recent decades but still make up just one-third of Canadian judges. In our courts and in this chamber, we have a great deal of work to do to achieve equality.

In other areas, the gaps are even wider. A survey conducted this year of Canada's 2,160 lower court judges found that only 3% were racial minorities, and just 1% were aboriginal. In Ontario, where criminal courts struggle with an overrepresentation of black and indigenous defendants, and where child welfare cases in particular require sensitivity to cultural differences, just 24 of 334 judges identified as ethnic minorities.

In Saskatchewan, indigenous residents are under-represented in the courts by a factor of 10. All across the country, indigenous people are under-represented in our courts but overrepresented in our jails. In Canada today, that should be a call to action.

The question is this: How do we close the gaps and ensure that the Supreme Court of Canada accurately reflects and represents all Canadians in all parts of this great land? Canadians will answer that question in different ways. However, what is clear is that abandoning the project of developing a lasting, open, and transparent nomination process and returning to the days of secret selection will not accomplish the goal of fair representation.

Business of Supply

It is also clear that the additional quotas have not succeeded in delivering fair representation for all provinces. Today there is neither equal representation for all provinces nor a fair balance among the western provinces or the Atlantic provinces.

What is perhaps clearest of all is that Canadians will not take any lessons from the record of the Conservative Party when it comes to the Supreme Court. That is the party that backpedalled on its promise of transparency, circumvented its own appointment process, ran roughshod over constitutional requirements, and in the Nadon fiasco, impugned the integrity of Canada's chief justice. That is not the basis for any model we should be looking to.

Our Supreme Court will not be strengthened by pitting Canadians against each other, nor can we simplify the problem of a representative court to simply a question of geography. Atlantic Canadians are not just residents of a region, they are also indigenous Canadians. They are Canadians from different ethnic minorities. They are Canadians from the LGBTQ community. They all expect a court that respects and understands their experiences.

• (1200)

Let me be clear. Atlantic Canadians deserve fair representation on our Supreme Court, and right now they deserve a straight answer from the Liberals on how the government will ensure it through the appointments process they have constructed. The Liberals should not be slamming the door on the wealth of excellent jurists in Atlantic Canada, nor can they abandon the principle of regional representation. Therefore, I am heartened by their support of this motion in recognition of that overarching value, one of many key values, as we go about support for our Supreme Court.

In conclusion, let us all commit to respecting regional representation as a key principle in balancing the composition of our court. Although it has never been a statutory requirement, let alone a constitutional one, it must be respected in the composition of the court.

That requirement, that convention, that custom, that tradition, has been honoured, but not, in our history, through a lockstep, automatic process where it is someone's turn. Rather, over time, our court has faithfully reflected the regional composition of our country, except to the extent that among western and Atlantic provinces there have been difficulties that I think still deserve greater attention.

Canadians are no longer content with the secretive process of the last Conservative government.

To the current government, let me say this. Do not consider only how the court has looked in the past. Think about how it ought to look in the future. It is time for the bench to include judges who are among our finest jurists across Canada and who also happen to be indigenous or from ethnic minorities or who identify as other than heterosexual.

This is much bigger than geography. This is about all the values needed to build a truly representative and modern Supreme Court for all Canadians, one that is wiser together than the sum of its parts.

Mr. Sean Casey (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, first of all, I would like to thank the member for Victoria for that very

thoughtful and well-researched contribution to this debate. It is certainly what we have come to expect from the member, but I have to say that this is one of his finer moments.

There are a couple of points the member made in his speech that I would like to take up with him.

First, I understand the plug for the NDP bill with respect to the bilingualism of judges. I would simply ask the member to confirm or acknowledge that of the last 15 Supreme Court of Canada judges, 13 have been functionally bilingual at the time of their appointment. Therefore, while the bill would be something symbolic, it would not result in any major change in the appointment of judges to the Supreme Court.

Second, I thought it was an excellent point he made with respect to the hyperbole we are hearing from the Conservatives with respect to a 141-year-old constitutional convention. I would ask the member about the veracity of a 141-year-old constitutional convention, when, in fact, this custom, this tradition, has been observed just since 1949, with some degree of flexibility.

Mr. Murray Rankin: Mr. Speaker, I thank the Parliamentary Secretary to the Minister of Justice for his kind remarks.

On the first point about bilingual judges, yes, that is something to which this party is committed. I understand that the Liberal Party is also committed to functional bilingualism.

Yes, indeed, 13 of the last 15 judges, depending on how one defines it, I suppose, have been able to call themselves that. There is some doubt, from the discussions in the justice committee over the summer, whether that means that the applicant is capable of speaking both official languages as opposed to simply understanding, but that is something that needs to be worked out over time. I understand that.

As to the second point about conventions, I could not agree more with the fact that a convention is a tradition or a custom. It is very hard for me to listen to the Conservatives somehow suggest that the Nadon case, which of course reflected the fiasco they created, where the court had to address the fact that three of the nine justices must come from the province of Quebec as a statutory and indeed constitutional requirement, was somehow the same as the fact that we have to have x number of judges from western Canada, three from Ontario, and the like. It seems to me that they are creating apples and oranges when they do that.

The convention has been, as all conventions are, interpreted in a flexible manner, and history shows that. The example I gave of the appointment of Madam Justice Bertha Wilson is a great illustration of the fact that there has never been an automatic lockstep requirement that somehow it is this region's turn and therefore right now we have to appoint that person. We waited four years in that example. We had another justice to fill that slot and create the diverse regional representation we required. I think that is a telling example of how the convention has applied over our history.

Business of Supply

•(1205)

Ms. Sheila Malcolmson (Nanaimo—Ladysmith, NDP): Mr. Speaker, I went to junior high in Charlottetown, P.E.I., so I am very glad to hear the conversation in the chamber today about the importance of Atlantic Canada. I am finding it a little rich, though, I must say, to hear my Conservative colleagues lecture us about Supreme Court appointments when there was, in the last couple of years, their backtracking on their promises and integrity, their not following very clear constitutional requirements, and their public attempts to undermine the integrity and reputation of the Chief Justice of the Supreme Court, a woman we hold in very high esteem across the rest of the country.

I do not feel that there are lessons to be learned from the Conservatives on how to appoint to the Supreme Court, so I invite my colleague, the member for Victoria, to describe more completely, as he is our justice critic, how to actually get diversity and high-quality appointments to our Supreme Court in Canada.

Mr. Murray Rankin: Mr. Speaker, I thank my colleague for her question and for reminding us about the shameful record of judicial appointments of the last government. The thought that Mr. Justice Nadon could be declared ineligible by our highest court, the fact that Mr. Harper would go on to publicly assail the integrity of Chief Justice Beverley McLachlin, turning an institutional dispute into a personal battle, another first in Canada, is a shocking legacy.

To the question of how we can fix it, we should make sure that all perspectives are brought to bear. We should privilege regional representation as one for which we have a proud history, but we should not use that as a straitjacket. We should ensure that other values are brought to the table.

I think we all agree that talented jurists in Atlantic Canada will rise, shall rise, and have always risen to the occasion, but we should be broader in our perspective. Have we ever had a judge from the north? Have we ever had a visible minority? Why is it that Prince Edward Island has not had a justice on the Supreme Court since 1924? Why is it that Newfoundland and Labrador has been shut out since it joined the Canadian family?

We need to do better. We can do better, and I am confident that we will.

Mr. Sean Casey: Mr. Speaker, I cannot help but chime in at the mention of Sir Louis Henry Davies, the judge of the Supreme Court of Canada for whom our courthouse is named.

I would like to continue our conversation on the bilingualism of judges and the point the member for Victoria made in response to my last question.

When discussing the definition of functional bilingualism and whether it is an open question as to whether a judge who is functionally bilingual can actually speak the language, the definition actually contained in the policy brought forward by the Prime Minister is that a judge should be able to understand written and oral presentations from counsel without the need for simultaneous translation.

Surely the member would concede that someone whose level of comprehension is good enough that the person is able to understand

legal arguments in written and oral form is most likely also to have the capacity to speak. That is not a big leap.

•(1210)

Mr. Murray Rankin: Mr. Speaker, I have been in the Supreme Court on more than one occasion, and I can say that the real action is when the questioning starts. It is not reading the factum. It is not being able to understand what counsel says. It is being able to pose the question that goes to the heart of the matter and ask that counsel what exactly their case is about. Functional bilingualism in some capacities may well entail what my friend has said, but in other capacities, particularly that capacity, I am surprised to think that the functional bilingualism requirement the government apparently is working on in developing assessment criteria would not include that critical ability to pose questions.

Ms. Jenny Kwan (Vancouver East, NDP): Mr. Speaker, I thank my colleague, the member for Victoria, for his very thoughtful contribution to this debate. He mentioned the need for diversity in representation that reflects the faces of communities today across the country and in particular representation from the indigenous community. I am particularly interested in these points, and I wonder if the member could expand on how the government can actually achieve these important goals.

Mr. Murray Rankin: Mr. Speaker, the ability to understand indigenous customs has been noted over and over again as critical if we are to move forward with indigenous communities and understanding their law. That customary law, for example, is currently being studied by the University of Victoria. That has to be part of the makeup directly or indirectly in our Supreme Court. We have to start understanding that we have not just linguistic duality, but we have indigenous and non-indigenous legal traditions in our country as well.

Mr. Mark Strahl (Chilliwack—Hope, CPC): Mr. Speaker, it is always a pleasure to rise in the House to speak on behalf of the people of Chilliwack—Hope and to engage in this debate today, especially when we talk about the need for the government to respect Atlantic Canada and the tradition and the convention that has been in place for over 140 years, which ensures that one of the Supreme Court justices is from the Atlantic Canada region.

I not only want to talk today about the issue of the Supreme Court and its representative from Atlantic Canada, but I also want to talk about the shocking tendency that we have seen already in just under one year for the Liberal government to take Atlantic Canada for granted.

I will be splitting my time with the member for Durham, Mr. Speaker.

Atlantic Canadians are very passionate about this issue. They have spoken loudly and clearly. They expect that the convention will be respected, that they will continue to have a voice on the Supreme Court when Justice Cromwell retires.

Business of Supply

I am from British Columbia and we are speaking about this. However, the people of Atlantic Canada are speaking about it loudly and clearly. The Atlantic Provinces Trial Lawyers Association says that it is taking the extraordinary measure of seeking a court order in Nova Scotia Supreme Court that would require the federal government to amend the Constitution if it wants to drop regional representation as constitutional convention. The Minister of Justice's musings in the summer and the refusal to confirm that the next justice would be from Atlantic Canada could provoke a constitutional crisis. The Atlantic Provinces Trial Lawyers Association has gone down that road.

The *Cape Breton Post* in an editorial entitled, "We don't lack diversity", takes great offence to the idea that no one can be found in Atlantic Canada who can meet the other targets that the government has set. It said:

[The Prime Minister] has said he wants to ensure the top court reflects the diversity of the country. And that's fine. We know it's 2016. But we argue that he would have no trouble finding diversity in Atlantic Canada's population and that there are surely multiple candidates from many different backgrounds in our region worth considering for an appointment. One can't help but wonder whether or not the Prime Minister, seeing every seat in the Atlantic provinces go Liberal in the last election, is taking the allegiance of the region for granted.

That is exactly what we have seen from the Liberal members of Parliament from Atlantic Canada. They are taking that region for granted. The Prime Minister is taking that region for granted. There are several examples of that, not only with this Supreme Court issue. How about having a minister of the Atlantic Canada Opportunities Agency from Mississauga? There are 32 Liberal members, some of them in cabinet, none of them responsible for economic development in the Atlantic region. They were not good enough to do the job and instead someone from Toronto had to do it. What did we hear from the 32 Liberal MPs from Atlantic Canada when that happened? We heard nothing.

• (1215)

Hon. Erin O'Toole: What about Sean Casey?

Mr. Todd Doherty: Nothing. Buzz all.

Mr. Mark Strahl: There are other issues. I had the honour for the last year up until recently of being the fisheries critic for the official opposition—

Some hon. members: Oh, oh!

The Assistant Deputy Speaker (Mr. Anthony Rota): I am enjoying the speech of the hon. member for Chilliwack—Hope, but I have to interrupt him for a moment because I am getting buzz from all sides across the hall and from behind the hon. member. I want to remind hon. members to show a little respect and let the hon. member for Chilliwack—Hope give his discourse. Thank you.

Mr. Mark Strahl: Mr. Speaker, never let it be said that I cannot create a buzz in the room.

I was pleased to be the fisheries critic for the last year, during which I had the opportunity to interact with Atlantic Canadian fishers in different sectors. Just last week, the official opposition caucus took the opportunity to meet in Halifax to reconnect and re-engage with Atlantic Canadians, as the leader of the party has been doing. I believe she has made six visits to the region since she was elected as interim leader.

Having spoken with Atlantic Canadians, they definitely feel they are being taken for granted by the government. They feel they are being taken for granted by the very members of Parliament who they sent to Ottawa to speak up for them. An example is on the northern shrimp quota allocation, the LIFO system, which was rigged in favour of one province. All but one panel member was from Newfoundland and Labrador. All but one meeting was held in Newfoundland and Labrador and other regions that wanted a change to the northern quota system.

The minister accepted that recommendation and it cost the fishermen of Nova Scotia and New Brunswick tens of millions of dollars with the decision to take away their fishing quota. What did the member for South Shore—St. Margarets say to the fishermen who had lost millions of dollars because of that decision? She said nothing. She has been silent, even though she campaigned on keeping the last in, first out system. Since that time, she has said nothing.

I was also in P.E.I. and met with fishermen in Charlottetown, LaVie, Morell, and O'Leary. What did they say? They said that the government had changed the lobster carapace size, something that Gail Shea never let happen in her entire time as a member of Parliament. She stood up for the fishers in Prince Edward Island. Now she is gone.

There are four Liberal MPs in that region. What have they said to protect lobster fishermen in P.E.I.? They have said nothing. The new member for Egmont has said nothing. The Minister of Agriculture has said nothing. The member for Malpeque has said nothing. Fishermen are getting no representation from their members of Parliament because they are too afraid to speak out.

The Prime Minister speaks for the Liberal Party of Canada in Atlantic Canada, not the members who were sent here to represent those constituents. The lobster fishermen I met with in O'Leary said that it seemed the Minister of Agriculture, the member for Cardigan, has lost his voice. Members in the Conservative Party, be they from British Columbia, Ontario, or across the rest of the country, will speak up for Atlantic Canadians if no one on that side will.

Today the Minister of Justice danced around whether she would actually insist that the next appointment to the Supreme Court be an Atlantic Canadian. The Liberals have said that they are insisting they be on the short list. That is not what we are asking for today. That is not what Atlantic Canadians are demanding. They are demanding that they continue to have the representation they have had on the Supreme Court for the last 140 years.

I want to quote another article, this time from *The Guardian* in Charlottetown, P.E.I. Gerard Mitchell, former chief justice of the Supreme Court in Prince Edward Island, stated:

Dear Prime Minister: I am writing to you to ask that you please revise your new policy on appointment of judges to the Supreme Court of Canada. The revision should affirm the well-established convention of filling vacancies with judges from the same region of the country as their predecessor.

Business of Supply

Merit and ensuring the maintenance of regional perspectives on the court should be the litmus test for appointment. Bilingualism is certainly an asset, but it never has been, and never should be, an absolute requirement for appointment to the Supreme Court of Canada. The highest court in the land needs well-qualified judges, whether bilingual or not, from all the regions of Canada to bring to bear their perspectives on the great legal issues of the day.

Regional representation on the judicial branch of our government is an important aspect of our Canadian democracy. The pan-Canadian composition of the Court adds to the legitimacy of its Decision-making authority. The new policy, if unaltered, could someday result in all nine judges coming from one or two parts of the country.

We need to stand up for the people of Atlantic Canada. We in the official opposition will do it, even if the Liberal members of Parliament have chosen not to.

● (1220)

Mr. Sean Casey (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I would like to thank the Conservative Party for bringing forward this motion, which we support. It talks about the custom of regional representation. It is indeed one that is very important, one that we support, and one that we are upholding through the new process.

I do take exception, however, to the attempt by my friend opposite to try to drive a wedge within the caucus and the allegations that Atlantic Canadian members of Parliament are not standing up for their region.

He spoke fondly about the work of Gail Shea, but his distance between Prince Edward Island and British Columbia may have missed the fact that one of Gail Shea's legacies is pitting Prince Edward Islanders against one another with the EI zones.

He took a shot at the Minister of Innovation, the minister for ACOA. Atlantic Canada has done significantly better under this minister than we ever saw under the Conservatives: \$237 million in the Halifax regional municipality alone; agreements with provincial governments of more than \$176 million on 51 infrastructure projects. I have been pretty busy with funding announcements in Prince Edward Island as well.

The question I have for the member is this. The process that we have announced will allow for Atlantic Canadian lawyers and judges to compete in a national competition. Does the member want to repeat and perpetuate the myth of a culture of defeat or does he think Atlantic Canadian lawyers and judges are up to the job of competing against everyone in Canada for this seat on the Supreme Court?

Mr. Mark Strahl: Mr. Speaker, I am glad to hear that the member for Charlottetown is celebrating the fact that the ACOA minister is from Mississauga. If he is proud of that, I guess he can sell that at home. However, we certainly think the ACOA minister should be from Atlantic Canada.

As far as Gail Shea goes, she never allowed the P.E.I. lobster carapace size to be changed to the detriment of P.E.I. fishers. I was told by the fishermen I met with that the member for Cardigan, now the Minister of Agriculture, used to thump on the desk and say he would never let it happen as long as he was there, or question how the Conservatives even consider it. Of course it never happened. Now that the Liberals have changed it to the disadvantage of P.E.I. lobster fishermen, there is not a word from anyone on Prince Edward Island.

As for the idea of a defeatist culture, it is defeatist to think that there are not enough judges and lawyers in Atlantic Canada to fill the entire selection list for the Supreme Court position. This has been a convention for 141 years, and the Liberals are now saying to let Atlantic Canadians compete for a position on the court. We are saying that they should be guaranteed that position. That has been a convention. No prime minister before has ever considered backing away from Atlantic Canada in the way the current Prime Minister has. Once again, we are hearing nothing from Liberal MPs in the region because they are taking the support of Atlantic Canadians for granted. If they will not stand up for them, we will.

● (1225)

Hon. Candice Bergen (Portage—Lisgar, CPC): Mr. Speaker, is my colleague hearing what I am hearing today? Back in August, the Prime Minister's office confirmed that there was no guarantee the Cromwell seat would go to someone from the region. In fact, the statement from the office said that applicants were being accepted from across Canada, not just from Atlantic Canada, in order to allow a selection process that would ensure outstanding individuals would be considered for appointment to the Supreme Court of Canada. Today, we hear the Liberals say that they agree the government should respect the custom of regional representation for making appointments.

Are they trying to have it both ways? What is my hon. colleague hearing? Is this the PMO speaking? Have the people in the PMO changed their mind? Was the Prime Minister wrong? Do the members across the way know what they are doing?

Mr. Mark Strahl: Mr. Speaker, there is only one voice, obviously, for the Liberal Party of Canada and that is the Prime Minister's Office.

The Prime Minister's Office decided that this seat on the court may not go to Atlantic Canada, and maybe today he is going to let the Liberal members vote a certain way.

Between August and now, the Prime Minister's Office has made it clear that they will speak for this caucus, that Atlantic Canadian MPs will remain silent, and when the Prime Minister wants to hear their opinion, he will give it to them.

Hon. Erin O'Toole (Durham, CPC): Mr. Speaker, it is an honour for me to follow my good friend from British Columbia who, in his last number of months in Parliament, has been a strong advocate for Atlantic Canada.

In his role as fisheries critic for the Conservative Party, he has brought attention to a range of issues, which shows that if someone is a parliamentarian with knowledge and passion, that person can represent all Canadians and, indeed, a region on the other side of the country that has not received such representation despite having 32 members of Parliament.

Business of Supply

Every single member of Parliament from Atlantic Canada is a Liberal. I am going to highlight some of the hypocrisy that some of those members are demonstrating with their lack of commitment to equality for Atlantic Canada in one of our key institutions, particularly the parliamentary secretary to the Minister of Justice, who regularly feigned outrage in the last Parliament if one touched the Supreme Court Act. He now describes the long-standing constitutional convention to have an Atlantic Canadian jurist on the top court as just a custom. Before, he had expressed it as a requirement of our diversity as a country.

It is profoundly disappointing. I do like a lot of the members from Atlantic Canada. As someone who has spent a lot of time there myself, I know they are well-intended. However, it is about time that they start to speak up to their Prime Minister and their Minister of Justice to correct this major omission and start showing that there is more than just a silence of the lambs in Atlantic Canada.

I am passionate about this, as members can tell, because I am a product of the outstanding legal system and legal education system in Atlantic Canada, in my case, Dalhousie University. Dalhousie Law School, now known as the Schulich School of Law, is the oldest law school in the British Commonwealth, founded in 1883. In fact, the graduates from the early classes at Dalhousie Law School in Halifax became the deans of most of the early law schools across the country, including in Alberta.

Alberta still has a tradition of sending a number of great young minds to Halifax for law school, starting with many people like Joe Lougheed, son of former premier Peter Lougheed, and my friend, Luke Day.

That mix at Dalhousie, one of the finest schools, produces great legal minds. It is the law school for Newfoundland and Labrador. There is a special admission provision.

Between Dalhousie and the University of New Brunswick, they have some of the best legal education in the country. From the early days of our country, those lawyers, those judicial minds, have forged Canadian law here in Parliament, in legislatures, and at the Supreme Court of Canada.

For the Prime Minister to just wave that aside is rather insulting. For someone who claims that diversity is a fundamental tenet of his government, geographic diversity and the tradition of an Atlantic Canada seat to secure that geographic diversity seem like an afterthought.

Atlantic Canada's first justice, William Johnstone Ritchie, a Nova Scotia-trained barrister who became the chief justice of New Brunswick and was an appointment from New Brunswick, was appointed to the Supreme Court of Canada by Alexander Mackenzie, the first Liberal Prime Minister.

Let us—including the 32 members from Atlantic Canada—study the history. It was Sir John A. Macdonald, when he returned to office as a Conservative, who made Ritchie the first Atlantic Canadian chief justice of the Supreme Court of Canada. Some of that early jurisprudence is still referenced today.

These are important traditions in our country. To think that they can be so callously swept aside, even when the entire Atlantic

Canadian region is represented by the government party, is astonishing. I would ask them to think about that. They could visit the grave of Justice Ritchie at Beechwood Cemetery here in Ottawa, which is emblematic of the significance of the Supreme Court to this country.

Sir Robert Borden, a Nova Scotia-trained lawyer and my favourite Prime Minister of this country, who held the country together through the challenges of the great war, started the Canadian Bar Association.

● (1230)

Atlantic Canada blazed the trail for common law jurisprudence and our legal education and judicial structure in Canada. There is no question about it. It punched well above its weight since the earliest days of Confederation. In fact, Joseph Howe, the father of representative government, granted to Nova Scotia the first stand-alone representative government of a British colony at that time. In Howe's tradition, I would ask the 32 members from Atlantic Canada to start speaking up, because they are not living up to the ideals of the men and women who have come before them.

Most recently, I had the honour of meeting Constance Glube, who just passed away this February. She was another Dalhousie law grad and the first female chief justice of a superior court in Canada.

I could go on, but it is disappointing that I have to give this primer to the Minister of Justice, because she, and particularly her parliamentary secretary, should not disregard this important tradition and convention as easily as they are doing.

I will show the hypocrisy from the last Parliament. The MP for Charlottetown, who is a lawyer like me, and who practised for a time at the same firm, said this in February 2014:

I say that because the Supreme Court of Canada Act is also a piece of legislation that should be considered of the utmost importance given how the Supreme Court influences all our institutions.

That is when he was complaining about changes to a private member's bill.

We have no bill before this House. We have the Prime Minister's decision on a whim to erase a century of history, yet the MP for Charlottetown seems quite fine with that. At least with a private member's bill, we had debate in this chamber. We had to bring this debate here through an opposition day motion.

The member for Charlottetown then went on to say in that same debate:

In normal times, when matters regarding the appointment of a Supreme Court justice arise, we would be assured that the process would unfold in a manner that was inclusive and meaningful. Canadians also expect matters related to the Supreme Court to be treated in a non-political way, and we expect appointments to be made to ensure a proper linguistic, gender, and regional balance as part of the process.

That was the MP for Charlottetown, who is taking part in this debate today, who now calls this just a custom, that there was a custom to have a judge once in a while from Atlantic Canada. I would ask him to stand up. It is time for a couple of them to do so, including the Minister of Fisheries, another graduate of the Atlantic Canadian legal education system.

Business of Supply

In June 2015, the member for Charlottetown also complained that there was an amendment to the Supreme Court Act in the budget implementation bill, and he feigned quite a bit of outrage at the time about that.

We do not even have legislation before this chamber. The Prime Minister feels that he can do what he wants, and so far the 32 members from Atlantic Canada are allowing him to govern that way. Nothing highlights it better than a legal action brought by the trial lawyers of Atlantic Canada, stating that the Prime Minister's conduct constitutes an amendment to the Constitution of Canada. What the Liberals are doing is, in the view of leading Atlantic Canadian trial lawyers, unconstitutional. Where is the member for Charlottetown on this? This legal action was filed on September 19. Specifically they cite paragraph 41(d) of the Constitution Act, on the composition of the Supreme Court of Canada.

As an essential feature of our constitution directly and through convention, the Supreme Court has had for over a century Atlantic Canadian representation. Justice Cromwell, a distinguished jurist, was just the most recent example of that in the long line that goes back to Chief Justice Ritchie. It concerns me that among the photo ops and press conferences he has had, the Prime Minister feels that not only can he disregard a century of constitutional convention, but that he can also disregard the profound and leading impact of Atlantic Canada in our modern judicial system, and claim that he is doing this with diversity in mind.

Diversity is as much in our regional differences and our viewpoints that come from our lived experience in these regions. That is why it is a convention. It is just one seat. To take that away from the part of Canada that gave us our modern common law is atrocious, and now is the time for the 32 members from Atlantic Canada, led by the MP for Charlottetown, to show some backbone and say no to this Prime Minister.

● (1235)

Mr. David Lametti (Parliamentary Secretary to the Minister of International Trade, Lib.): Mr. Speaker, I am curious about the member's interchanging use of the words "custom" and "convention". Perhaps he could elucidate for us the difference between those two words.

Hon. Erin O'Toole: Mr. Speaker, had I had time to do a little more research, I would have checked to see if the school of law at McGill, where I know my friend taught for many years, had as its early dean a Dalhousie graduate. I would go out on a limb to say I think McGill was one of the later law schools to adopt the case law approach trailblazed at Dalhousie. Dalhousie followed the Harvard tradition, so it really goes back that far.

As the member well knows, our constitution is both written and by convention, and that convention is reinforced the longer the practice is maintained. In this case, I would suggest, and I hope he would agree with me, that in terms of constitutional convention, that also fits with the spirit of paragraph 41(d) of the Constitution Act, 1982. This is probably one of our oldest and most profound constitutional conventions.

I highlighted the word "custom" because in the last Parliament the MP for Charlottetown found that the diversity of having the Atlantic Canadian justice on the Supreme Court of Canada was fundamental.

Now he seems to be backing away from that. For someone who is a well-spoken and thoughtful MP, trained in the legal system by Atlantic Canada, he should now stand up for it.

● (1240)

Mr. Todd Doherty (Cariboo—Prince George, CPC): Mr. Speaker, I do not profess to be an expert in the legal system, but I listened intently to the interventions throughout the morning. Language such as "open and transparent" and "high quality" have been used by members of the government and, indeed, by our colleagues from the NDP, who have tended to cast doubt on the quality of the applicants or the Supreme Court justices, or the process that we have had previously.

My hon. colleague just said that perhaps the quality or talent of the jurists that we might find in Atlantic Canada might be in question. Is he indeed hearing the same when listening to the interventions from our hon. colleagues from across the way?

Hon. Erin O'Toole: Mr. Speaker, I would like to thank my friend from Cariboo—Prince George, particularly after I visited that part of the country this year. They are passionate people, represented by a passionate advocate. That is why he is concerned about this as a B.C. MP, as are some of my other B.C. colleagues with me here today. We are apparently more concerned than the 32 Atlantic MPs, because I do not see them speaking much, other than the MP for Charlottetown who is under strict orders from the Minister of Justice not to stray from the script.

He raised a good point. The legal action, asking for an order from the court declaring the Prime Minister's conduct unconstitutional, is from the Atlantic Provinces Trial Lawyers Association. He asked me if there were an impression that this callous act by the Prime Minister was causing a negative impression in Nova Scotia. Well, a legal action suggesting that it is unconstitutional by the men and women who make their livelihood advocating and defending people in our courts is a pretty good indication that they feel it is an affront.

I would suggest that the parliamentary secretary, the MP for Charlottetown, is likely still called to the bar there. He should talk to some of his colleagues.

[*Translation*]

Mr. David Lametti (Parliamentary Secretary to the Minister of International Trade, Lib.): Mr. Speaker, I will be sharing my time with the hon. member for Madawaska—Restigouche.

[*English*]

It is an honour for me to speak to the motion today, in part because of the way in which the Supreme Court of Canada has touched my life. I had the privilege of being a clerk at the Supreme Court of Canada in 1989-90 for Mr. Justice Peter deCarteret Cory. It was one of the formative years of my life. Justice Cory's picture remains hung in my office, and he remains a daily example of what it means to be an ethical human being. Every day I think about the way in which Mr. Justice Cory treated me, my co-clerks, other judges, and the counsel in front of him. Imperfectly, I try to aspire to be as good as he is.

Business of Supply

The motion today, and it is an important point, is about a long-standing custom that we have respected in Canada since around 1949. In more formal terms, it is that the composition of the Supreme Court of Canada be composed in a certain way, including one judge from Atlantic Canada. It is important to note that it is a custom, not a convention, and we have departed from that custom in the past.

Let me say that I speak, as well, as a former law professor at McGill University, where I taught for 20 years, and also as someone who has not only seen the inside workings of the Supreme Court as a clerk and seen the way judges struggle with legal interpretation, but I have also argued before the Supreme Court and prepared documents for pleadings at the Supreme Court, both oral and written.

I would also like to point out to my friends across the way that I spent my first professional year teaching at the University of New Brunswick. It was a wonderful year. It was the first year of my married life, and it was a wonderful experience for me to be teaching, thinking, and reflecting about law in Atlantic Canada with Atlantic Canadians, particularly, as my students.

The important point here is diversity and, with diversity, the idea that there will be additional perspectives added to the Supreme Court.

• (1245)

[Translation]

Yes, to date, Canada has been blessed with linguistic and cultural diversity. We have a statute in place stipulating that three of the justices must come from Quebec, which is very important to respecting Quebec's civil law tradition and the right to submit arguments and receive rulings in French in Supreme Court cases.

[English]

For this reason, bilingualism is a critical requirement. Let me defend the passive bilingualism that our government is putting forward. It is de facto and de jure what we have done at McGill over the past 20 years.

I have worked with counsel preparing for cases. I have seen counsel plead. I have seen the debates over each and every word that goes into both oral and written pleadings. I have never heard a top-quality advocate, and I have interacted with many of them, say that the language they are choosing for their oral or written pleadings is not important. Therefore, forcing those arguments to go through a translator after so much thought has been put into them is unfair. It is unjust to the clients and the lawyers who are putting forward those cases. Therefore, with respect to oral and written pleadings, it is a necessary precondition that judges at the Supreme Court of Canada be able to understand the nuance of the language in its original language without the benefit of translation.

I disagree with the hon. member across the way who previously said that they ought to be able to ask questions as well. Yes, that would be desirable but it is the understanding of written and oral pleadings and the understanding of all of the work that goes into each and every word, time-limited and page-limited arguments in front of the Supreme Court, that makes the functional bilingualism requirement an absolute necessity for fairness in this country.

[Translation]

I would like to move on to the principle of regional representation. It is true that, according to custom, since at least 1949, one justice comes from the maritime provinces.

[English]

However, we have departed from this tradition. In 1978, then-prime minister Pierre Elliott Trudeau appointed Justice McIntyre from British Columbia to the Supreme Court of Canada, even though it was Ontario's pick. It was only four years later, when Mr. Justice Ronald Martland from Alberta stepped down, that Ontario got its third seat back in the form of the appointment of Justice Bertha Wilson.

There is not a good argument, although I know there is a legal argument that has been advanced in certain quarters that this has crystallized in some way into hard and fast law. I think the better legal argument is that we have had no such crystallization and that while this is a custom and it is a custom to be respected and it is a custom that our government is committed to respecting, there is still some flexibility for us to depart from that custom where circumstances require.

I would say, in my experience with the court and teaching law over the past 20 years, that gender diversity, which we have already tried to achieve at the Supreme Court of Canada, has been fundamental to the progress of law in Canada. The impact of Bertha Wilson, Claire L'Heureux-Dubé, Beverley McLachlin, Louise Arbour, Rosalie Abella, and Suzanne Côté has been capital in the way in which we have reconceived a number of different doctrines in public law, private law, and criminal law. Think of reproductive rights, think of the Criminal Code, and also private law, where the fact that we have had this diversity has made us a better country and has made our laws more just.

The glaring absences right now are an aboriginal person on the Supreme Court of Canada and a person of colour on the Supreme Court of Canada.

Let us reflect upon the impact of including these perspectives, and I am not saying representation. It is not representation. It is bringing perspectives in because everyone we expect on the Supreme Court will be a jurist who decides cases based upon the merits. However, in bringing their perspectives to the court, we will get fuller understandings and more just decisions. We need as a country, as a government, to recognize that the evolution of Canadian society is such that these absent perspectives on the Supreme Court of Canada has a negative impact upon the very concept of justice in our country. We owe it to our citizens to hear these perspectives. We owe it to our citizens to enshrine, to some extent, the principle of getting these perspectives into various positions of power, including the Supreme Court of Canada where they can be elaborated.

I will not speak to the process. Other colleagues have spoken to the process. However, we are trying to get a transparent, open process back into the appointment process of Supreme Court judges.

Is there a value in regional diversity? Yes, there is. We recognize that Atlantic Canada has had a seat on the Supreme Court of Canada for many years and that this is a custom which we ought to respect, all other things being equal.

Business of Supply

However, let me say that there are other competing values of diversity, including gender diversity, including cultural diversity, including linguistic diversity, which also have to be in some way represented on the court in order for us to ensure just decisions.

One of my other mentors was Roderick Macdonald, long-standing professor and dean at McGill who was also the chair of the Law Commission of Canada. He wrote a fundamental report on residential schools in Canada that had an impact on the Truth and Reconciliation Commission. What Dean Macdonald used to say was, “Who bears the burden of justification?”

We will have a group of candidates, three to five, that the selection committee will put before the House. Our government will gladly bear the burden of justification should in fact we feel we have to depart from the custom of Atlantic representation. That being said, we fully support the motion that this is an important value and this custom ought to be respected where possible.

• (1250)

Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC): Mr. Speaker, I listened to the debate all morning and to be quite frank, the Liberal position is getting very confusing.

In August, the Liberals talked about having applications from across the country. I think they probably heard from Atlantic Canada fairly loud and clear that they have some significant concerns, in terms of the convention of having representation from Atlantic Canada.

Today, we are hearing they are going to support our motion, but then we hear a lot of words around that being only part of diversity. In the motion it is pretty clear to me that the short list should be all Atlantic Canadians and there should be an Atlantic Canadian who is chosen from that short list. Would the member confirm that indeed is the case when they support the motion?

Mr. David Lametti: Mr. Speaker, in answering that question, I would like to refer to a question that I posed to my hon. friend just a moment ago.

The motion today talks about custom. Custom can be departed from under a variety of different circumstances. We are not talking about a convention here that has crystallized into a legally binding norm. That is not the case.

Therefore, yes, we would like Atlantic representation to be one of the criteria that is looked at by the committee. It will certainly be a primordial criterion upon which the ultimate decision is based as to a choice of a Supreme Court justice. There will, in all likelihood, be a large number of strong Atlantic Canadian candidates for the Supreme Court, but we are talking about custom here. We are not talking about convention. Therefore, there is still the possibility, based on merit and these other considerations, that perhaps the best candidate for the job may not come from Atlantic Canada this time.

• (1255)

Mr. Sean Casey (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I would like to continue this discussion on what seems to be the centrepiece of most of the Conservatives' speeches, which is the chest thumping around a 141-year-old constitutional convention. However, in the wording of their motion, the words “constitutional

convention” do not appear. The word used in the motion is “custom”.

We are indeed supporting the motion. We are supporting and respecting the custom. Could the parliamentary secretary elaborate a bit more on the difference between a constitutional convention and a custom? Could he also address the contention that this constitutional convention has been around for 141 years?

Mr. David Lametti: Mr. Speaker, this is a critically important point. A convention has crystallized over time into a legally binding norm. The Supreme Court of Canada has recognized this in a variety of different cases; in particular, the patriation reference way back under another Prime Minister Trudeau.

This is not what we are talking about here. We are talking about a practice, a custom, that has happened for a fairly long period of time, formally since about 1949, but not 141 years. It has been departed from and that is critical. When a judge was appointed from British Columbia instead of an Ontario pick, it highlighted the fact that this was not a convention but merely a custom, and a custom may be departed from.

[*Translation*]

Mr. René Arseneault (Madawaska—Restigouche, Lib.): Mr. Speaker, I must admit that I have been very touched by all the praise that our colleagues in the opposition benches have been heaping upon people from the Maritimes, their abilities and their potential. Not that long ago, however, their outgoing leader said to anyone who would listen that those same people, whom the opposition members are praising so highly here today, have long had a culture of defeat. I am pleasantly surprised by this sudden change in attitude in my opposition colleagues.

Getting back to today's motion, I would like to thank the hon. member for Niagara Falls for his motion on this issue, as well as the House for the opportunity to address it.

It is clear that the people of Atlantic Canada and other regions of the country strongly believe that the tradition of regional representation on the Supreme Court of Canada, the highest court in the land, must be maintained.

As hon. members know, the Supreme Court is an essential aspect of Canada's constitutional structure. The Supreme Court, the final court of appeal for all legal matters, including those that are constitutional in nature, plays a decisive role with regard to upholding human rights and the rule of law.

The Supreme Court has ruled on a wide range of important legal and social issues in our country, from medical assistance in dying, to marriage equality and the Crown's duty to consult and accommodate first nations.

Business of Supply

How we select Supreme Court justices is therefore of utmost importance to all Canadians. That is why last August, our government announced a new Supreme Court of Canada appointment process that is open, transparent, and accountable. Under this process, an independent, non-partisan advisory panel was formed and was tasked to put forward the candidacy of qualified, high-calibre jurists who are functionally bilingual and representative of the diversity of our great country.

Former prime minister Kim Campbell presides over this advisory panel made up of seven members who have ties to every corner of the country. Four of them were selected through independent professional agencies, and the panel also includes non-jurists. The advisory panel will review the candidacies and will present a short list of three to five people to the Prime Minister for his consideration.

When the Prime Minister announced the new Supreme Court appointment process in August, many people were surprised to learn that the jurist selected to replace Justice Richard Cromwell would be chosen from a list of candidates who are not exclusively from one of the Atlantic provinces. I can see why people may be surprised, since this contravenes the practice that has been used to date.

However, sometimes traditional practices need to be reconsidered, and we believe it is time to do just that and see where it will lead us.

We are aware of how important the composition of the Supreme Court is and that some parts of the process are established by legislation. For example, under the Supreme Court Act, at least three of the judges must be appointed from among the judges of the Court of Appeal or of the Superior Court of the Province of Quebec or from among the advocates of that province. That is not simply a matter of geography, but a consequence of the nature of Canada's justice system, which is based on two legal traditions.

As many of my colleagues know, Quebec's legal system is based on the civil law tradition, whereas that of most of the other provinces is based on the British model of common law.

The appointment to the Supreme Court of three justices from the list of Quebec's great legal minds seeks to ensure that the highest court in the land is equipped with people who understand the traditions of that legal system, not just representatives of a particular province.

In addition to this critical distinction in the law, there are other important elements that need to be considered and that go far beyond geographical considerations.

The first woman to be appointed to the Supreme Court was the Hon. Bertha Wilson in 1982. Since then, many other women have been appointed. It is now an accepted practice to strike a balance in gender representation among justices of the Supreme Court. However, other groups that have always been under-represented have not managed to make such significant advances.

• (1300)

The government is determined to have the Supreme Court of Canada reflect the diversity of Canadian society.

By allowing people across the country to apply under the new process, we hope, to some extent, to see this vast diversity reflected

in the selection of the judges who will sit on Canada's highest court for many years. We believe that the Supreme Court will benefit not only from their vast legal knowledge and experience, but also from their life experience.

For example, Canada is proud to have an increasing number of talented indigenous jurists, including judges, lawyers, and scholars. Furthermore, our country has many jurists who are people of colour, people with disabilities, members of LGBTQ communities, or people who do not fit the traditional mould of a Supreme Court justice.

Canadians of all communities are invited to encourage exceptional jurists to apply for the position of Supreme Court of Canada justice. The appointment process that we have established responds in part to the concerns expressed about previous processes. The open nature of the process is unprecedented and addresses some of these concerns.

Some of the country's greatest legal minds have sat on the Supreme Court bench since its inception, and for good reason.

As the Prime Minister said, we will uphold that tradition. We will even strengthen it with an open, transparent, non-partisan process for selecting Supreme Court justices.

The process will ensure that people of the highest distinction and greatest ability to represent Canadian society are appointed to the highest court in the land. Our government has put in place a new standard process that will result in greater diversity among the Canadian judges and lawyers who become part of that tradition regardless of where they come from or what region of Canada they call home.

Legal minds who better represent the diversity we have in this country will have the opportunity to take on some of the most important responsibilities there as they contribute to the legal and social framework that guides our country's evolution.

I am proud of this process and what it represents. I am proud that candidates from Atlantic Canada, high-calibre people who can compete with their colleagues across the country, were evaluated by the independent appointments advisory board. I have every reason to believe that some of them will be on the short list of three to five candidates given to the Prime Minister.

We look forward to finding out what this new selection process for our new Supreme Court of Canada justices means for us and for Canada.

Business of Supply

•(1305)

[English]

Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC): Mr. Speaker, we spend a great deal of time talking about the importance of Atlantic Canada having representation, but one of the pieces that we have not picked up on perhaps as clearly as we might have is that the Supreme Court, of course, has always been a bilingual institution. The Liberal government talks repeatedly about diversity and the many sorts of realms. As the opposition critic for indigenous affairs, looking forward to having an indigenous member on the Supreme Court of Canada, I see that requirement of functional bilingualism as a big change. In the past, obviously it was a preferred capacity that the person should have, but to require it is a change.

Does the member not believe that he is cutting off many very appropriate candidates from our indigenous communities and others who have not had the benefit of learning French as either a young child or as an adult? In actual fact, I think it is about 22% of Canadians who are functionally bilingual. Are the Liberals not creating a lesser diversity with the change they are making, which perhaps has not attracted as much notice to date?

[Translation]

Mr. René Arseneault: Mr. Speaker, I thank my colleague for her excellent question.

As a New Brunswicker with an Acadian background, I am very proud to see a government finally officially stand up and say that the next appointment to the Supreme Court of Canada will go to a judge who is functionally bilingual. I agree with this requirement. I find it reassuring that the highest court in the country, the guardian of the rights of all Canadians, will be able to hear arguments in the defendants' mother tongue.

Now, this requirement does not in any way exclude the diversity of the Canadian population. As a lawyer myself, I can confirm to the House that there are judges of all cultural backgrounds serving in Atlantic Canada. There are more than just Quebeckers. There are Franco-Ontarians, Franco-Manitobans, Fransaskois, and Acadians.

Requiring a judge sitting on our country's highest court to be able to converse in, understand, and be proficient in both official languages does not undermine diversity, quite the opposite.

[English]

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, one of the things that I find somewhat surprising is the total lack of confidence that the official opposition has in the advisory committee, which is actually headed by a former prime minister, Kim Campbell. It is as if those members have no confidence in the individuals who have been tasked to take on a heavy responsibility.

Would the member not agree that the process that this government has established is more transparent and more accountable? It ensures the best interests of the Supreme Court of Canada in a way that we believe Canadians would respect. It is no reflection on the current members of the supreme court, but it is quite interesting to contrast it to the old system, even when a supreme court judge was appointed

while I was here. It is not completely night and day but it is quite different.

I wonder if the member could provide some thoughts on how important accountability and transparency really are to this whole process.

•(1310)

[Translation]

Mr. René Arseneault: Mr. Speaker, I thank my colleague for his question.

In the past, the outgoing leader of the official opposition party acted in an extremely cavalier and disrespectful manner towards the chief justice of the Supreme Court of Canada. This just goes to show how much culture shock people may be feeling given our government's new philosophy. We simply want to make the appointment process more transparent regarding the most important position in our legal system.

To answer my colleague's question, I think that all Canadians will be better off knowing that, from now on, the guardians of our rights in the highest court will be selected using a transparent process.

[English]

Mr. John Brassard (Barrie—Innisfil, CPC): Mr. Speaker, I wish to advise that I am going to be sharing my time with the member for Beauport—Limoilou.

It gives me great pleasure to rise today. Like many in the House, I have roots in Atlantic Canada. My grandfather and grandmother came from Atlantic Canada. I still have family there. It really gave me great pleasure to go back to Atlantic Canada last week with all of my colleagues as we fanned out to meet Atlantic Canadians and to reconnect with them. What was interesting was that, as I travelled to areas of Nova Scotia and Cape Breton and in some cases travelled beyond where I was supposed to go—there is a long story of getting lost in Atlantic Canada—it gave me a great opportunity, as it did my colleagues, to meet many Atlantic Canadians.

One of the things I heard consistently as I met those great people of Atlantic Canada was that they voted Liberal but they did not vote for this. When I asked them, it was debt and deficit situations and there was significant concern around the Supreme Court and the representation on the Supreme Court for Atlantic Canadians because, quite frankly, they are feeling betrayed. I am going to point out a bit later some of those prominent Atlantic Canadians who are feeling betrayed by the Liberal Party and the 32 MPs who were elected to represent them. That is why it gives me great pride to stand up here today, not only on behalf of family and friends, but as a caucus of members who truly care about Atlantic Canada.

Business of Supply

I want to address something that the member for Winnipeg North talked about just prior to my rising in this House. He talked about the transparency of the system as it relates to the advisory board. He talked about the advisory board itself, the composition and the hon. members. No one on this side is doubting the composition of the hon. members of the advisory board. However, we have heard throughout the discussions today with respect to the mandate letter, and it is important to understand that there is one part of the mandate letter that is really lacking on the issue of transparency and on the issue of accountability. There is a sentence in the mandate letter that says that the advisory board will provide the Prime Minister with non-binding, merit-based recommendations of three to five qualified and functionally bilingual candidates for consideration.

Dare I say, out of respect for the members of the advisory board, that the farcical nature of what this advisory board may come up with is that the power to appoint a Supreme Court justice lies in the hands of the Prime Minister? Members of the opposite side can say all day that it is an open and transparent system. However, in fact that non-binding aspect of that mandate letter certainly opens it up for political discretion and, as a result, may lead to a member not being appointed from Atlantic Canada as has been the 141-year custom of this country.

That also leads to the question of what else they would be willing to break. What other long-standing constitutions and customs of this country would the Liberals be willing to break? That will certainly be seen as this decision for the appointment of the Supreme Court justice comes up.

As I said earlier, as our party is doing today, I want to be the voice of Atlantic Canadians and tell this House what they are saying about this process and speak for those Atlantic Canadians, who are not being spoken for by the 32 members of this House.

The Canadian Bar Association president, Janet Fuhrer, said:

The Canadian Bar Association firmly believes that appointments to the Supreme Court of Canada should be based on merit, ensuring that our judiciary reflects the full diversity of our regions, legal systems and population.

Where are the voices of the 32 members of Atlantic Canada on this? They are silent.

• (1315)

In Charlottetown's *The Guardian* on August 22, Alex Whalen, who is a columnist, wrote:

There is no need for improvements in the process to come at the cost of a voice for Atlantic Canada. While admittedly different than the regional interests that parliamentarians represent, top judges should come from across the country so as to bring a proper understanding of regional context to their position and judgments. A key facet of the court is to rule on matters of national implication. The view from the high court cannot be truly national while excluding an entire region of the country.

Where are the voices of the 32 members of the Liberal caucus?

Mr. Todd Doherty: Silent, muzzled.

Mr. John Brassard: They are silent, Mr. Speaker.

The Atlantic Provinces Trial Lawyers Association's Mr. Ray Wagner, in Halifax's *The Chronicle Herald*, on September 20, just the other day, said that the convention, in place for 141 years, should not be changed without invoking the Constitution's amending

formula because the Supreme Court of Canada has already made a similar ruling regarding proposed changes to the Senate.

Where are the voices of those 32 Liberal MPs from Atlantic Canada on this issue?

An hon. member: Nowhere.

Mrs. Cathy McLeod: Muzzled.

Mr. John Brassard: They are silent, Mr. Speaker.

Probably the most damning response to the government's plan on this issue comes from an editorial in *The Telegram* in St. John's. The headline is, "Resistance isn't futile on Supreme Court snub", and goes on to state:

Decisions by the Supreme Court are no less important. Members of the court must include the best minds and abilities from each region. The PM's idea of diversity differs from time-honoured convention. Diversity means recognizing regions.

Where are the voices of the 32 Liberal MPs from Atlantic Canada on this issue?

Some hon. members: Muzzled.

Mr. John Brassard: Mr. Speaker, the reason I am bringing this up is that I want to bring the voices of Atlantic Canadians to the House, as we are doing on this side today.

A headline in *The Globe and Mail* on September 20 reads, "Lawyers call on PM to pick Atlantic judge", and further states:

The Atlantic Provinces Trial Lawyers Association applied to Nova Scotia Supreme Court on Monday for a declaration that the "Prime Minister's proposed departure from the constitutional convention of regional representation on the Supreme Court of Canada" requires a constitutional amendment and the unanimous consent of all provinces....

But does the tradition of regional representation amount to a constitutional convention? "Oh yes, definitely," Peter Russell, a political science professor emeritus at the University of Toronto, told *The Globe*. "An important part of our Constitution is to have the highest court in the land which interprets the Constitution have legitimacy in the various regions of Canada."

Where are the 32 voices of the Liberal MPs' Atlantic caucus?

Some hon. members: Silent.

Mr. John Brassard: They are silent, Mr. Speaker.

Finally, editorialist Kelly McParland of the *National Post* said what I think is the most condemning. Again speaking on behalf of Atlantic Canadians, she stated:

No government has so fervently professed its devotion to "inclusion"—gender, ethnicity, identity, what have you—yet it dismissed more than a century of practice, shrugged off regional expectations and reduced the Maritimes to second-class status with a casual shrug and nary a peep of reproof.

Where are the 32 members of the Atlantic Liberal caucus?

Some hon. members: Silent.

Mr. John Brassard: They are silent, Mr. Speaker.

On behalf of my family and on behalf of the many families who still live in the Atlantic provinces, the people we want to have a voice, Conservatives are standing up today for them, to make sure that the nomination to the Supreme Court maintains that 141-year constitutional convention and the representation on the Supreme Court for all Atlantic Canadians. That is why we are here today.

Business of Supply

• (1320)

Mr. Marco Mendicino (Eglinton—Lawrence, Lib.): Mr. Speaker, I wonder whether the member was present earlier today in the House when the Minister of Justice and Attorney General of Canada shed some light on the transparent, open process that she and the government have introduced, which would ensure that there is consideration of very well-established and well-qualified candidates from the Atlantic region. I wonder if he would answer that.

Would he also take a moment to acknowledge the very strong representation that we have from the members of the Atlantic caucus, with whom I am very proud to stand?

Mr. John Brassard: Mr. Speaker, one of the things we were hearing about when we were in Atlantic Canada, and we spent a lot of time there last week and visited a lot of communities, is in fact the dissatisfaction with the representation of the members from Atlantic Canada among the Liberal caucus.

I will bring it back to the advisory board mandate. There is no question that there are qualified candidates from Atlantic Canada. We acknowledge that. That is why we are saying that the representation on the Supreme Court has to come from Atlantic Canada.

Going back to the mandate letter of the advisory board, it says that it will provide the Prime Minister with non-binding recommendations. The board can have as many choices as it wants, it can bring those three to five representatives, but it means nothing because the Prime Minister will end up making the final decision.

What we are saying today is that, if the Liberals truly believe in this motion, they will not just agree to it, but they will actually apply it and select somebody from Atlantic Canada to be on the Supreme Court.

Mr. Tom Kmiec (Calgary Shepard, CPC): Mr. Speaker, I really appreciate my colleague's comments here.

I am neither a lawyer, a jurist, nor a law clerk. That is not my background. However, I do understand that, as parliamentarians, when we take a vote in this House, it has to mean something.

I have been hearing from members on the opposite side, kind of equivocating on this, saying it is custom, merely a custom. What we are saying is that, when members vote in this House on the motion that calls for them to actually implement the custom and abide by the custom, then they cannot go around saying that it will be a consideration later on. Their vote has to mean something. It has consequences in this House. They cannot say one thing and do another.

What does my colleague think his vote means when he votes on this motion in support of Atlantic Canadians?

Mr. John Brassard: Mr. Speaker, in every situation that I vote, I vote as a matter of principle, as a matter of honour, and as a matter of integrity. I do not just flip-flop whichever way the wind is blowing.

I come to this House, and I take very seriously my responsibility to represent the people of Barrie—Innisfil and their will in this House.

I think that brings a bigger question. It speaks to the customs and constitutions of this convention over the last 141 years. I say again, if they are willing to break this, if the Liberals are willing to break this convention, what other conventions are they willing to break that are of a historical nature in this country?

I am not sure, if the Liberals break this one, that they would not be willing to break another.

Mr. William Amos (Pontiac, Lib.): Mr. Speaker, the notion that the loyal opposition is the only party that cares about Atlantic Canada is laughable. More than that, it is sad.

The reason it is sad is that it is engaging in the politics of demagoguery. It really is. It is politicizing the judicial selection process, a transparent process that has been articulated wonderfully by our Minister of Justice, and it is inserting this regionalist division that is totally unnecessary.

Speaking specifically to the process, speaking specifically to the advisory board, does the member opposite recognize that if the decision of the advisory board were binding, then it would be unconstitutional?

• (1325)

Mr. John Brassard: Mr. Speaker, I make no apology, standing up here and speaking on behalf of Atlantic Canadians as the rest of the caucus does.

While I understand that the decision rests with the Prime Minister and that the advisory board is going to give recommendations, those recommendations are not necessarily required to be a selection from Atlantic Canada. The Prime Minister is prepared, I believe, to select somebody not from Atlantic Canada.

What we are saying is that the nominee needs to be from Atlantic Canada.

[*Translation*]

Mr. Alupa Clarke (Beauport—Limoilou, CPC): Mr. Speaker, I, too, believe that I am the voice of the people of Atlantic Canada, where I lived between the ages of two and 11. Acadia is still very much a part of me, and that is why I absolutely had to speak about it today.

Right in the middle of summer, the Prime Minister arrogantly and unabashedly announced that he intended to change the historic process for appointing Supreme Court justices that has been in place since 1875.

More than any other, this government announcement has made me dislike the political party that currently governs our great country. Yes, like many Canadians, I am outraged by such actions and attitudes that show the true arrogance of this government.

I am saddened by this unsettling desire, so brazenly expressed by the Prime Minister, to radically alter our constitutional customs, the very customs that have informed government policy for so long in Canada.

Business of Supply

If this Liberal government decides to change the constitutional convention for choosing Supreme Court justices without first obtaining the consent of all parliamentarians in the House, it will be going too far. Therefore, and I am choosing my words carefully, this government's actions in the past few months make me fear the worst for the federal unity of this great country.

The Prime Minister is not just interfering in provincial jurisdictions whenever he feels like it, but also interfering in his own areas of jurisdiction by planning to make sweeping changes without even consulting the opposition parties or the public. This is nothing short of anti-democratic. There are other examples of this.

First, the Prime Minister plans to change Canada's nearly 150-year-old voting system without holding a referendum to do so. It is no secret that he and his acolytes are doing this for partisan reasons and to protect their political interests as well.

Then, this same Prime Minister shamelessly suggested just this morning that he wanted to put an end to a 141-year-old constitutional convention. I am talking about the constitutional convention whereby a Prime Minister selects and appoints a judge to the Supreme Court when a seat becomes vacant while ensuring that the new appointee comes from a region similar to that of the person who occupied the vacant seat.

The purpose of this constitutional convention is to guarantee that the decisions rendered by the highest court in the country reflect the regional differences in our federation. Must I remind the political party before me that Canada has five distinct regions and that those regions are legally recognized?

The fact is that Jean Chrétien's Liberal government passed a law that provides for and gives each of the regions of Canada a quasi-constitutional right of veto. Accordingly, the Atlantic provinces, and their region as a whole, do have a say when it comes to the Constitution Act of 1982.

What is more, the British North America Act guarantees the Atlantic provinces fair and effective representation in the House of Commons. For example, New Brunswick is guaranteed 10 seats. The same is true in the Senate, where it is guaranteed just as many seats. Under the same convention, each of the Atlantic provinces holds at least one seat on the Council of Ministers.

How can our friends opposite justify threatening, out of the blue, to reduce to nil the Atlantic provinces' presence in the highest court of the country? If the government moves forward with this new approach, will it do the same to Quebec, the national stronghold of French Canadians? That does not make any sense.

I invite the government to think about this: can the Supreme Court of Canada really render fair and informed decisions on cases affecting the Atlantic provinces without any representation from that region?

• (1330)

Justice for Atlantic Canadians means treating them as equals. It seems the Liberals could not care less about the regions even though every one of them includes distinct communities that want Supreme Court decisions to reflect their values, goals and ideas about the world.

For the Prime Minister to suggest, if only in passing, we defy the convention whereby one seat on the Supreme Court of Canada's bench is reserved for Atlantic Canada is offensive to many legal experts and associations, including Janet Fuhrer, a past president of the Canadian Bar Association, and Ann Whiteway Brown, president of the New Brunswick branch of the Canadian Bar Association.

Echoing this sentiment are the Law Society of New Brunswick, the Atlantic Provinces Trial Lawyers Association, and the Société nationale de l'Acadie, which advocates on behalf of Acadians worldwide.

Disregarding this constitutional convention is tantamount to stripping four out of ten provinces of their voice in the highest court in the land.

Must I also remind members that the Atlantic provinces have a large pool of extremely qualified legal professionals who come from every region and background and who are perfectly bilingual? More importantly, these are candidates who have a vast knowledge of the Atlantic provinces' legal systems and issues. Is there anyone in this House, or elsewhere, who would dispute that?

Even more importantly, there are a few significant constitutional cases on the horizon that could have major repercussions on the Atlantic provinces. Consider, for example, the case referred to the Nova Scotia Court of Appeal regarding the elimination of protected Acadian ridings. Hearings on this are currently under way.

Is the Prime Minister really thinking about having judges from other regions rule on a case that deals with how Acadians are represented, when Acadians have been fighting for their survival on this continent for generations?

Is that really what our friends across the aisle want? Do the Liberals from Atlantic Canada really want to muzzle New Brunswick and Nova Scotia, two founding provinces of this great country?

The change that the Prime Minister wants to make to how judges are lawfully appointed to the Supreme Court is essentially a total and complete reversal of this country's established constitutional practices. How shameful and how arrogant.

It would seem the son is following in his father's footsteps. Do hon. members not see what is happening? Just like his father before him, the Prime Minister wants to alter the constitutional order of our country.

Fear not, however, because we in the Conservative Party are not buying it. We not only see what this Prime Minister is doing, but we also see know full well that behind this change in convention is a much greater ideological design.

There is an underlying desire to profoundly change Canadian constitutional arrangements and replace them with a post-materialist world view that is a departure from our constitutional traditions.

Business of Supply

In this world view, the main objective is to eliminate from our government institutions, in this case the Supreme Court, the historical and traditional community characteristics that have defined Canada since day one by replacing them with individual and associational characteristics.

In other words, the Prime Minister obviously wants to eliminate the political predominance of certain constituencies in the Canadian constitutional order, at the Supreme Court in particular. He wants to promote a new political predominance, that of associational groups that bring together individuals who share individual rights rather than constituent rights.

Although that may be commendable in some ways, it is a major change because the Prime Minister is ensuring that the very essence of political representativeness and the concept of diversity within the judiciary is changed. The Prime Minister wants a representativeness based on a concept of individual diversity and fragmented by idiosyncratic characteristics.

In light of this potential change, Canadians across the country, including those from Atlantic Canada, must protest and call on the Prime Minister to answer for this. The Prime Minister cannot act unilaterally in this case and must involve all the players concerned.

• (1335)

Mr. Joël Lightbound (Louis-Hébert, Lib.): Mr. Speaker, I would like to thank my colleague from Beauport—Limoilou for his speech. I have several questions I would like to ask him.

First, is he aware that regional representation is one of the criteria that will be considered by the committee and by the Prime Minister?

Is he also aware that we support the motion that is before us today?

Can he recognize that the process proposed by the government is far better than the process used over the past 10 years? The bar was set very low.

Can he also recognize that the process will be very open and transparent? Does he recognize that for the first time in Canada's history, we will formalize what I think is an essential criterion, the bilingualism of Supreme Court justices, which is already a requirement for the position?

Can he recognize that?

Mr. Alupa Clarke: Mr. Speaker, I would like to say to my dear colleague from Louis-Hébert that it is all well and good that the committee will consider regional representation, but that it should not be a consideration. It should be a given for the government, which would do well to accept it and choose a judge from Atlantic Canada.

As for the new consultative groups, I believe that they are puppets whose role is to hide the true interests of the Prime Minister.

The Assistant Deputy Speaker (Mr. Anthony Rota): Before recognizing a member, I would like to remind members to direct questions through the Speaker.

The hon. member for Cariboo—Prince George.

[English]

Mr. Todd Doherty (Cariboo—Prince George, CPC): Mr. Speaker, I have tried a couple of times now to comment on the intervention by my hon. colleague from Winnipeg North a while back. He spoke of my Conservative colleagues' perhaps lack of confidence in the highly qualified panel making the selection for the next Supreme Court position.

Much like the provinces of B.C., Alberta, and Saskatchewan, it is the lack of confidence Atlantic Canadians have in the Liberal government doing the right thing. The Liberals have lied to them over and over again. They made promises. There was no approval of a softwood lumber agreement. There was no approval of any job creation projects. They seemingly have forgotten the promises they made during the campaign.

I offer to the House that our lack of confidence is not in that of the selection committee. It is Atlantic Canadians' lack of confidence in the government.

Mr. Mark Holland: Mr. Speaker, I rise on a point of order. The member is supposed to be on questions and comments on the speech by his fellow member, not responding to something the member for Winnipeg North said.

The Assistant Deputy Speaker (Mr. Anthony Rota): We have allowed a certain amount of latitude throughout the day and throughout the speakers, but I thank the hon. member for his point.

The hon. member for Beauport—Limoilou.

[Translation]

Mr. Alupa Clarke: Mr. Speaker, I agree with everything my colleague said. The important thing to remember is that, in a letter published in a newspaper, the Prime Minister announced his intention to change the process for selecting Supreme Court justices in Canada. That is what we need to remember.

Just this morning, the member for Louis-Hébert mentioned that his colleagues were going to support the motion, but they announced it this morning. This is not just about supporting a motion. It is about appointing a judge from Atlantic Canada to fill the next vacancy in the Supreme Court of Canada.

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Mr. Speaker, I am very concerned because, when I went to Halifax last week, I heard that people are worried. Members from Atlantic Canada are asking very few questions.

• (1340)

[English]

I am concerned because if the people in the Atlantic provinces do not feel represented here, that will be even worse if they are not represented on the Supreme Court. Does my colleague share that concern?

[Translation]

The Assistant Deputy Speaker (Mr. Anthony Rota): The hon. member for Beauport—Limoilou has 45 seconds or less to answer the question.

Mr. Alupa Clarke: Mr. Speaker, I would like to thank my colleague for her question.

Business of Supply

I completely agree with her, particularly since, if we want to be completely loyal to our colleagues from Atlantic Canada, we need to recognize that, since 1867, the Atlantic region has been shortchanged within the Canadian federation. It has been shortchanged in terms of public contracts and wealth creation. The government therefore needs to recognize constitutional conventions, not just in institutions such as the House of Commons and the executive branch, but also in the Supreme Court. These constitutional conventions are extremely important even if it is only to leave a little bit of room for the Atlantic provinces, which are at a numerical disadvantage.

[*English*]

The Assistant Deputy Speaker (Mr. Anthony Rota): Sometimes we get excited and things go on. Before we resume debate, I want to remind hon. members that if they want to speak in the House, they have to be in their seat when they bring up a point, whether it is a point of order or a speaking point.

Resuming debate, the hon. member for Central Nova.

Mr. Sean Fraser (Central Nova, Lib.): Mr. Speaker, before I begin, I would like to point out that I do plan to share my time with the hon. member for Long Range Mountains who is sitting just to my right.

It is always an honour to rise to speak in the House on any issue that has the importance to get to the floor, but today I am particularly excited because I have the opportunity to speak to an issue with which I am not only familiar but that I care about. It inspired me to get involved in politics in the first place and it impacts a region that I care about more than any other place on planet earth, and that is Atlantic Canada.

Today we are debating a motion in the House involving the appointment of Supreme Court justices, namely the custom to appoint a Supreme Court judge to fill a vacancy that was left after the retirement of a judge from that same region.

This whole debate arises out of the new process that the Liberal government introduced to introduce an open and transparent process that is independent from the executive and non-partisan in that it has a former Progressive Conservative prime minister, and that is different, chairing the committee that is overseeing this whole operation. This is the kind of process that the International Commission of Jurists implored the previous government to introduce when it came to the appointment of Supreme Court justices.

If we set aside just for the moment, but I will come back to it, the importance of regional diversity on the court, this process would be stellar. There would be no questions, and I expect it would not even be controversial enough to make it to the House because it would get universal support. However, on the issue of regional diversity, it is important, and I am supporting the motion for this reason. It is about federalism.

Federalism is part of the constitutional fabric that makes Canada the country that it is. As discussed by the Supreme Court of Canada, an institution I deeply respect, they described it as a political tool that promotes diversity within our country and enhances national unity at the same time.

In the Nadon reference, which I will come back to again in a moment, the Supreme Court flagged that it is not just sections 5 and 6 of the Supreme Court Act that make regional representation in government important, it is also about the understanding of legal traditions and social norms. We could supplant Nova Scotia's name or Quebec's and the argument would remain the same. I do support regional diversity on the court, and I hope Atlantic Canada is represented on the court. This idea that 32 Atlantic Canada MPs are silent while we are actively speaking out like this in the House of Commons is laughable and false.

What I really have to get to here, and this is the grand take-away from my remarks, is that given the messenger, it is hard to take this criticism seriously when we had 10 years of a Conservative government that sought to undermine the integrity of the Supreme Court of Canada, the justice system in Canada, and indeed to diminish Atlantic Canada as a region in our federation.

I mentioned the Nadon reference previously. That case revolved around the attempted unconstitutional appointment of a Supreme Court justice. In that case, what made it worse was that on the back end of the decision, the Conservative executive, the Prime Minister's Office, was involved in a spat with the chief justice of the Supreme Court of Canada. She is a tremendous jurist who we are lucky to have in this institution. Instead of abiding by a decision that they disagreed with, which would have been the mature thing to do, the Conservatives launched an adolescent spat to try to undermine the integrity of the most pre-eminent legal institution in our country. They should be ashamed of themselves.

In addition to the Conservatives' disrespect for the Supreme Court of Canada, their attitude toward justice in Canada boggles my mind. What they sought to do was spend millions of Canadian taxpayers' dollars to defend charter violations time and time again, which makes it hard to take criticism legitimately from the opposite side on how we are dealing with the Supreme Court of Canada.

When it came to assisted dying legislation, the Conservatives sought to ensure that the legislation the Supreme Court required would not get passed. When it came to protecting vulnerable people such as drug addicts and sex workers, they sought to introduce criminal legislation that would make these people less safe. The Supreme Court of Canada said no, they were not allowed to do that. When it came to their attempts at Senate reform, the Supreme Court said they were doing it wrong again.

When it came to trying to deny full access to aboriginal title to our indigenous population in western Canada, the Tsilhqot'in case, the Supreme Court said no. When it came to a ban on medicinal marijuana, on the basis that marijuana cannot be a medicine that patients use, the Supreme Court said no. When it came to introducing mandatory minimum sentences, the opposition, when they were in government, took the attitude that they were better positioned as legislators in Ottawa than a jurist sitting on the ground with the accused before them and access to a full body of evidence. I cannot understand it, and again the Supreme Court said no, that is not allowed.

Business of Supply

It is not just the Supreme Court that the Conservatives attacked, it was the justice system from top to bottom. We need to look no further than their attempts to, again, spending taxpayer dollars, refuse the integration of Omar Khadr into Canadian society. When it came to the case of Ron Smith, they got tied up in litigation that was based around the refusal to ask diplomatic services to protect a Canadian who was on death row in another country.

• (1345)

I apologize in advance if I get emotional about the next one because it strikes home with me. The Conservatives spent \$1.4 million Canadian taxpayer dollars to deny health care benefits to refugees. I am particularly emotional about this one given the experience that my community has had in welcoming refugees to rural Nova Scotia on the eastern shore in Pictou County and in Antigonish.

I feel compelled to draw attention to one example who have now become my friends, the Hadhad family in Antigonish. They ran a chocolate factory in Damascus that employed 30 people and in a week, they lost everything, a lifetime's worth of work, to the war. When they landed in Nova Scotia with nothing but the goodwill of the community to welcome them, they started from scratch. However, they said that if they had to start from scratch they would start that day and they started making chocolate in the basement of the home the community found for them. When they were on their feet, they decided they wanted to give back and when the wildfires broke out in Fort McMurray, they donated a month's worth of profits to the relief efforts in Fort McMurray.

These are not only the kind of people we should be welcoming as newcomers to Canada, but we should be aspiring to be as Canadians. While we welcomed them to our shores, the Conservatives now in opposition spent \$1.4 million seeking to deny them access to a full range of healthcare benefits and it was disgraceful.

Continuing on the theme that it is hard to take this criticism legitimately, there is a latent narrative the Conservatives are trying to push in the motion that Atlantic Canada is not being effectively represented despite the fact that there are 32 strong Liberal MPs. I find it ironic that the Conservative Atlantic MPs have been silent on this. Perhaps it is because there are none, because they do not speak to issues that matter to Atlantic Canadians.

Since the election we have been focused on growth in Atlantic Canada. We are constantly advocating for the rights of Atlantic Canadians and investment in the region. Just this summer when the Prime Minister visited New Glasgow and 4,200 people came out to see him, we had announcements of \$190 million in infrastructure, \$75 million in affordable housing, and \$50 million in small craft harbours. These investments create work in the short term, but lay the framework for economic growth in the long term and that is what matters to Atlantic Canadians.

What excites me most is that these are not one-off investments. These are part of a strategy that was announced in July called the Atlantic growth strategy and this strategy was not something that we campaigned on. It was not in our budget. It was a plan that was formed in direct response to the feedback of 32 Liberal MPs working with the government to ensure that the interests of our region are represented in the priorities of the government, and we are having

success. This plan focuses on immigration, innovation, infrastructure, trade, and tourism. These are the priorities of the Atlantic caucus that have made it into federal policy and will help Atlantic Canada grow.

It was difficult, 10 years of watching Conservatives diminish my region economically by revamping EI. Their plan for Atlantic Canada was to encourage young people to move to Alberta. The kinds of investments we are making are going to allow young people and families to stay in our region. I cannot stand here and listen to criticism either about the role of the Supreme Court of Canada or members' supposed defence of Atlantic Canada after the record they had in government. I am very pleased to stand here knowing in my heart of hearts that we have been standing up for the rights of Atlantic Canadians, acting on their behalf. I will continue to act as an advocate within our caucus and in public for my region because that is the job I was elected to do.

• (1350)

Mr. Mel Arnold (North Okanagan—Shuswap, CPC): Mr. Speaker, I want to go back and the question will also apply to this member, but we heard earlier this afternoon many members speaking and trying to change the intent of the motion. The motion was put forward to bring attention to the importance of appointing a Supreme Court judge from Atlantic Canada. Liberals have tried to twist the intent of the motion into simply respecting a custom. They show interest in it, but there is nothing to say that they would enforce having that Supreme Court justice from Atlantic Canada.

If they are going to try to change the intent of the motion, they should follow parliamentary procedure and put forward a formal amendment. However, I see no one from that side, especially from Atlantic Canada, even thinking about putting that type of amendment forward to enforce and strengthen the wording to make sure we had a Supreme Court judge from Atlantic Canada. Would they be willing to put that type of amendment forward or not?

Mr. Sean Fraser: Mr. Speaker, I find the question bizarre. We have a question about the opposition's motion and why we would not amend it to suit their purposes. The motion on the floor specifically refers to a custom in respect of replacing Justice Cromwell's seat on the Supreme Court of Canada. It is something that I support. However, I also suggest that when we finish question period the member logs onto CPAC and revisits the portion of my remarks that dealt with the importance of federalism to promote diversity within national unity.

I have said, and will say again, that I support the idea of having an Atlantic Canadian justice on the Supreme Court of Canada. I do today, I will tomorrow, and I will next year.

Mrs. Bernadette Jordan (South Shore—St. Margarets, Lib.): Mr. Speaker, during the speech today by my hon. colleague from Central Nova, he mentioned the Atlantic growth strategy, the historic investment into infrastructure in Atlantic Canada, and the significant investment into small craft harbours.

Does he think that those would be possible if it were not for the 32 strong voices from Atlantic Canada?

Business of Supply

Mr. Sean Fraser: Mr. Speaker, as I mentioned, the Atlantic growth strategy was not something that actively formed part of the election platform, though I would say it certainly jives very nicely with the theme of helping the middle class and campaigning on the basis of things that will actually help Canadians in my community. The Atlantic growth strategy was something that was developed through the leadership of the Minister of Innovation, Science and Economic Development, the four provincial premiers, and based on feedback the government received from 32 strong Atlantic Canadian Liberal MPs who were promoting values, ideas, and investments that make a difference in our community.

Mr. Todd Doherty: Mr. Speaker, I rise on a point of order. Our hon. colleague's entire rant has nothing to do with the motion that is before the House today. Indeed, the follow-up question from our hon. colleague from across the way is only pandering to that question and that rant. We should be staying on topic, and I would expect any interventions and speeches to speak to the motion that we have before the House today.

The Assistant Deputy Speaker (Mr. Anthony Rota): As I have said earlier, we have allowed a certain amount of latitude. I find that the point you have brought up is a bit more debate than it is a point of order.

We have time for another question. Questions and comments, the hon. member for Kamloops—Thompson—Cariboo.

Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC): Mr. Speaker, my colleague spoke glowingly to the process and criteria that were put in place. What would he say to National Chief Bellegarde and Senator Sinclair who have said that the criteria with respect to bilingualism is discriminatory against indigenous people because there might be someone who speaks Cree and French but would not have that capacity? Indeed what have been created with this new system are barriers for indigenous people to get their first seat ever on the Supreme Court of Canada.

• (1355)

Mr. Sean Fraser: Mr. Speaker, I would thank the member for reaching out to me on this and continuing the conversation that we have been proactively starting with indigenous leaders across our entire country. The Nova Scotia caucus met for the very first time with the Nova Scotia first nation chiefs. I would say that we are proactively trying to build a relationship that has not been there for at least a decade. I would say that the court should represent all of Canada. We may not fix every single problem in a day, but we should pursue having an indigenous leader on the court, bilingual jurists on the court, and regional diversity on the court. These things are not mutually exclusive, and I would hazard to guess that there are indigenous leaders who speak more than one language as well.

The Assistant Deputy Speaker (Mr. Anthony Rota): Resuming debate. Before we continue with the Parliamentary Secretary for Small Business and Tourism, I want to point out that we have approximately five minutes until question period. What will happen is she will be able to take up the following 10 minutes once we resume debate on this topic.

The hon. parliamentary secretary.

Ms. Gudie Hutchings (Parliamentary Secretary for Small Business and Tourism, Lib.): Mr. Speaker, I am pleased to be here today with many of my colleagues from the Atlantic caucus, all 32 of

us. Many of us were here this morning, and those of us who were not were busy doing work for their constituents and parliamentary affairs throughout Parliament, and so they were working hard for their constituents.

I am pleased to be rising in the House to speak on the opposition motion moved by the member for Niagara Falls, which does deal with regional representation on the Supreme Court and in particular Atlantic Canada.

The Supreme Court of Canada affects all Canadians from coast to coast to coast. Thus, a rigorous appointment process is of the utmost importance to ensure that Canadians of all walks of life can be represented in this important institution.

Our government has committed to an open, transparent, accountable process to appoint jurists of the highest calibre who are functionally bilingual and representative of the diversity of our great country. I would like to take a moment to discuss what exactly this will mean for the constituents of my riding of the Long Range Mountains in Newfoundland and Labrador.

My constituents voted for change, clearly. That change means a functional, effective, and representative government that respects the institutions of our country and our regional diversity. Atlantic Canada's representation on the Supreme Court bench is just one example of the new tone that Newfoundland and Labrador can expect from this government. Our position on the motion, presented by the Minister of Justice, is one that I am proud to take to my constituents and Canadians everywhere.

When appointing Supreme Court justices, the former Conservative government used an opaque, outdated process that desperately needed overhaul. Canadians had limited information about the nominees, and the criteria for their selection was unclear. We heard the frustration that Canadians felt with the way the former government operated.

We listened to Canadians, we heard their concerns, and we campaigned on a platform of open and transparent government. In this case, that means when we are selecting justices for the Supreme Court, our government will make public the members of the independent advisory board, the assessment criteria, the questionnaire that all applicants must answer, and certain answers provided to the questionnaire by the Prime Minister's eventual nominee.

Not only that, but the Minister of Justice and the chair of the advisory board will appear before Parliament to discuss the selection process. A number of members of Parliament and senators from all parties will also have the opportunity to take part in a question and answer session with the eventual nominee before he or she joins the bench. That means members of Parliament can truly represent their constituents in this process of utmost importance to our region.

My home town in Newfoundland and Labrador has its own unique issues, as does all of Atlantic Canada. I have one of the largest ridings in the country. My riding of the Long Range Mountains starts at the southwest coast of the island, taking in the little communities of Grey River and Channel-Port aux Basques. It then runs along the Great Northern Peninsula to St. Lunaire-Griquet.

When I mention the size of my riding, it is not just as a geography lesson for the members across the aisle about a region of the country they forgot in their time in power, but it is also to give folks a sense of the scale of the region.

It takes about nine hours to drive the 700 kilometres to Channel-Port aux Basques, and if I go to the areas on the south, it is a six-hour boat ride. With all due respect, some members from other parts of the country may not realize the sheer size of Atlantic Canada. While this is only an example, it highlights the desire and importance of having somebody on the bench who can understand the unique challenges and issues that come up when dealing with court cases at the Supreme Court.

The regional perspective is crucial and so important when it comes to future members of the bench. As I said earlier, the Supreme Court has a direct effect on every part of the country, but there are very few areas of the country where federal government decisions can have such an impact on people's daily lives. People from Atlantic Canada understand that reality.

One of the largest industries is the fishery in my riding. Because of that, when I speak with my constituents, as I did on wharves all summer, one thing is always clear to them, the decisions made by the Department of Fisheries and Oceans.

I raise this because I find it interesting that the members opposite have suddenly developed an interest in Atlantic Canada. They suddenly decided that Atlantic Canada is important to them. I find it ironic that this recognition was missing for 10 years while they were in government. It was clear that they did not understand or recognize the importance of the Long Range Mountains.

I look forward to concluding my remarks after question period.

STATEMENTS BY MEMBERS

●(1400)

[*English*]

CARP FAIR

Mrs. Karen McCrimmon (Kanata—Carleton, Lib.): Mr. Speaker, I am delighted to invite all my colleagues and all Canadians to the best little fair in Canada, which begins in the small town of Carp in my riding.

The Carp Fair, now in its 153rd year, celebrates agricultural excellence and is a great source of pride for the people of Kanata—Carleton. There will be animals, rides, games, terrific live music, and for those who like to eat, there will be an opportunity to thank a farmer.

I would especially like to thank general manager Joyce Trafford, who will be overseeing her last fair. She is to be congratulated for her 27 years as the general manager of the Carp Fair. I would also like to congratulate presidents Ron Bidgood and Tracey Zoobkoff, and the entire leadership and volunteer team for all their hard work.

I hope members accept my invitation. I look forward to seeing them in Carp.

Statements by Members

NORMAN KWONG

Mr. Ron Liepert (Calgary Signal Hill, CPC): Mr. Speaker, I would like to take a moment to recognize a great Canadian, a great Albertan, and my neighbour, Norman Kwong, who passed away recently at the age of 86.

The Minister of Veterans Affairs, the member for Calgary Confederation, and I had the opportunity serve in the Alberta legislature when Mr. Kwong was the lieutenant-governor of Alberta. He was also a Canadian Football League Hall of Famer and a successful businessman, but he may be best known for his one-liners at sports dinners. I would like to repeat some of those one-liners, but I could not find one that was politically correct enough to cite in the House.

I want to tell members the story of when Mr. Kwong was approached by former Prime Minister Paul Martin to be the lieutenant-governor of Alberta. The conversation went something like this: “This isn't really you, is it? No, no, it can't be you.” Finally, the prime minister said, “I understand, but it is the prime minister speaking to you”, and he said, “But if I were called at 8:30 in the morning by someone who said he was Normie Kwong, I wouldn't believe him either”. So that one is politically correct enough.

I would like to thank Mary and their four sons for sharing Normie Kwong with us as Albertans in the Alberta legislature.

* * *

SAY “HI” DAY

Mr. Marwan Tabbara (Kitchener South—Hespeler, Lib.): *Bonjour. Guten Tag. Hola. Tawn-Say. Namaste. Sat Sri Akal. Konichiwa. Marhaba. Ni Hao.* Hello.

Mr. Speaker, today, I rise to congratulate the Waterloo Region District School boards and the Waterloo Regional Crime Prevention Council on the 10th anniversary of “Say Hi Day”. On this day, students are encouraged to say “hi” to other students. Within the broader community, people are encouraged to greet neighbours they do not know by saying “hi”.

This is a great opportunity to meet someone new, make more friends, and help build a greater sense of community in our region. Saying “hi” helps connect people in our community, it nurtures a sense of belonging and inclusion, and it removes barriers that separate people.

I believe we can learn something new from everyone we meet. That is why I encourage members to not be shy, just say “hi”.

Statements by Members

•(1405)

[Translation]

LOUISEVILLE BUCKWHEAT PANCAKE FESTIVAL

Ms. Ruth Ellen Brosseau (Berthier—Maskinongé, NDP): Mr. Speaker, the 38th edition of the Louiseville buckwheat pancake festival is happening from September 30 to October 9. Since 1978, this fun and friendly event has brought together festival-goers from all over to enjoy all kinds of activities with a special focus on traditional cuisine. Folks can sip some caribou, savour a famous buckwheat pancake, and sample many other local delicacies.

I would like to congratulate the president, André Auger, the past president, Yvon Picotte, the honorary president, Paul Gêlinas, and all of the people on the organizing committee who are making this festival happen once again. I would especially like to thank the volunteers who make this event such a success.

I invite everyone to come celebrate with us in buckwheat country, sink their teeth into a tasty pancake and take in all the activities and shows. Enjoy the festival.

* * *

[English]

JAMES ALEXANDER MACKENZIE

Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.): Mr. Speaker, I rise today to pay tribute to James Alexander MacKenzie, who passed away earlier this year at the age of 75.

Dr. MacKenzie, born and raised in Glace Bay, Nova Scotia, leaves a lasting contribution to Canada through his dedicated work as a professor of law and a chief negotiator.

He worked tirelessly to resolve the claims of indigenous groups across this country. Jim's negotiations of commercial fisheries agreements in Atlantic Canada implementing the Marshall decision of 1999 set out the foundation for greater economic self-sufficiency for these communities. Also, his leadership on the negotiation of the Labrador Inuit land claim led to the establishment of the Nunatsiavut government in Labrador in 2005, as well as the creation of the Torngat Mountains National Park.

Jim will be remembered by his wife Sandra Banner, his five children, and his grandchildren.

His efforts have made them, and all of us in Canada, very proud.

* * *

PALLIATIVE CARE

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Mr. Speaker, I am delighted to update the House on Bill C-277, my private member's bill designed to create a framework for consistent access to palliative care for all Canadians.

Over the summer many groups stated their support for the bill, including the Canadian Medical Association, the Canadian Nurses Association, the Pallium foundation, the Canadian Society of Palliative Care Physicians, the Canadian Cancer Society, the Heart & Stroke Foundation, the Kidney Foundation, the Mental Health Commission of Canada, ARPA, and 38 hospices and related organizations across the country.

Canadians who have access to good palliative care choose to live as well as they can, for as long as they can. The need for these services is increasing. I urge members to do their part to help make this a reality by supporting my bill C-277.

* * *

BRAMPTON EAST

Mr. Raj Grewal (Brampton East, Lib.): Mr. Speaker, it is great to be back. I had an amazing summer in Brampton East connecting with my constituents. Almost every Tuesday, a group of volunteers and I knocked on doors. We heard from constituents. They were very impressed with our new government's direction. They like the Canada child benefit. They really like the middle-class tax cut and the improved tone of our government.

Democracy works best when we have an opportunity to connect with the people who sent us here in the first place. That is why I have always personally committed to being an accessible member of Parliament. Even though we are here in Ottawa I will always be fighting for the people of Brampton East.

As an advocate for using sports to build core skills, I continue to use every Sunday to host a drop-in basketball session. I invite all members of Parliament if they are in the Brampton area to swing by and play some hoops. Most importantly, "Let's go Blue Jays".

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[Translation]

PAUL DEMERS

Mr. Paul Lefebvre (Sudbury, Lib.): Mr. Speaker, September 25 is Franco-Ontarian Day. For me and many others, it will be another opportunity to think of our late colleague, the Hon. Mauril Bélanger.

That being said, today I would like to take this opportunity to recognize another great Franco-Ontarian, one of our great artists and a man with a beautiful voice, Paul Demers.

Does everyone know that he wrote the unofficial anthem of the Franco-Ontarian community, *Notre place*? I have had the pleasure of singing it many times. It has been sung at major gatherings of francophones in Ontario since I was a high school student at Cité des Jeunes, in Kapuskasing, and it still is today in my riding of Sudbury.

Paul was the founding president of the Association des professionnels de la chanson et de la musique and has been a mentor to generations of young francophone artists. A caring and courageous man, he has been battling Hodgkin's disease for over 30 years, and he is still fighting today.

Sudbury and French Ontario are grateful for his career and his music. On this occasion, Franco-Ontarian Day, I salute Paul Demers, a stalwart of the Franco-Ontarian identity. Thanks to him, we have "our place".

Thank you, Paul.

Statements by Members

● (1410)

*[English]***HOCKEY IN CLINTON**

Mr. Ben Lobb (Huron—Bruce, CPC): Mr. Speaker, September 8 was truly a remarkable night in my hometown of Clinton, Ontario. A tremendous hockey game took place. The CHL and OHL champion London Knights played the Erie Otters before a huge crowd. There were 1,400 enthusiastic fans from a town of just over 3,000 people. It was truly remarkable.

Special thanks go to Brent Scrimgeour and his army of volunteers who put on a great game. Over \$5,000 was raised. The money goes toward the Blyth Brussels Hockey Association, the Clinton recreation department, which supports figure skating and minor hockey. The local Alzheimer's Society had a raffle in the county. The Clinton Kinsmen put on a fantastic barbecue. It was tremendous. The Huron Heat women's hockey association also raised money.

Small town communities like mine can put on world-class events. To the Hunter boys, let us see them back in 2017.

* * *

2016 OLYMPIANS AND PARALYMPIANS

Mrs. Deborah Schulte (King—Vaughan, Lib.): Mr. Speaker, I rise today to congratulate our Olympians and Paralympians from coast to coast to coast who represented Canada at the summer games in Rio.

These athletes have shown Canadians that through hard work and a relentless belief in oneself, one can and will succeed.

The riding of King—Vaughan is home to opening ceremony flag bearer and back-to-back gold medallist Rosie MacLennan of King City; bronze medallist Eric Lamaze of Schomberg; and Jason Burnett of Nobleton.

[Translation]

Know that you have made Canada and the riding of King—Vaughan very proud, once again.

[English]

I am humbled to represent these athletes as the member of Parliament for King—Vaughan and I ask the House to join me in congratulating all our Olympians and Paralympians who participated in the summer games. To the year 2020, here we come.

* * *

*[Translation]***ELECTORAL REFORM**

Mr. Joël Lightbound (Louis-Hébert, Lib.): Mr. Speaker, the last time I spoke in the House before the summer recess was to invite my colleagues to take in Quebec City's summer festival. I want to thank all those who spent time and money discovering my magnificent region.

Today, it is with the same enthusiasm that I am issuing a second invitation, but this one is a little more serious. I would like to invite everyone in my region who is concerned about the future of our democracy to participate in the consultations on electoral reform that

I am holding on October 11 at the Grand Salon at Université Laval with my colleague, the hon. member for Québec. It is an opportunity for everyone to provide input to us as well as to Professors Derriennic and Massicotte from Université Laval's faculty of political science, and Florence Côté, president of the Forum Jeunesse de la région de la Capitale-Nationale.

All those who are interested in having a fairer and more modern voting system can join us at 5 p.m. on October 11 at the Grand Salon at Université Laval, at 5 p.m. I look forward to seeing a large turnout.

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*[English]***CHINA**

Mr. Tom Lukiwski (Moose Jaw—Lake Centre—Lanigan, CPC): Mr. Speaker, last month the Prime Minister went to China to attend a G20 meeting. We all know that China is one of the PM's favourite places. We can all recall his saying in the past, "I actually have a certain level of admiration for China. Their basic dictatorship is actually allowing them to turn their economy around on a dime".

It is alarming for a prime minister to say he admires dictatorships. It is even more alarming for a prime minister to turn a blind eye to the brutality of some dictatorships. We know in the China that the human rights record is abysmal. Yet the Prime Minister tried to appease the Chinese by saying that Canada's human rights record was not so perfect anyway.

It is one thing to be a prime minister in our country. It is another thing to represent our country internationally, but that did not stop the Prime Minister from posing for pictures. As we all know, that is what he is good at.

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ADRIENNE CLARKSON PRIZE FOR GLOBAL CITIZENSHIP

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, I rise today to congratulate His Highness the Aga Khan for receiving the inaugural Adrienne Clarkson Prize for Global Citizenship last night in Toronto. This prize is given to an individual who has, through thought and dialogue, encouraged strategies and approaches that strive to remove barriers, change attitudes, and reinforce the principles of tolerance and respect.

As the 49th hereditary spiritual leader of the Shia Imami Ismaili Muslims, His Highness has dedicated his life to improving conditions for the world's most vulnerable populations and in fostering an understanding of the importance of pluralism and diversity to promote global harmony.

His Highness continues his steadfast commitment to the ideals of inclusion and belonging through the Aga Khan Development Network. I wish His Highness the Aga Khan good health and continued success in his work.

Oral Questions

● (1415)

WINDSOR—TECUMSEH

Ms. Cheryl Hardcastle (Windsor—Tecumseh, NDP): Mr. Speaker, I returned to Ottawa re-energized after an inspirational summer in win city, and my riding of Windsor—Tecumseh.

First, I would like to congratulate all the local yet world-class Olympians who made us so proud in Rio: Kylie Masse, Brian McBride, Miah-Marie Langlois, and Ryan Cochrane, Noelle Montcalm; and the Tecumseh Thunder Baseball Club for clinching the senior championship for the second year in a row.

I salute Jan Wright and her team for putting on the Terry Fox book sale and Terry Fox run, and the amazing young people at Maya's lemonade stand for organizing another successful food drive.

I appreciated the informative discussion for those who joined me at my electoral town hall that I hosted, and everyone I have been able to meet and talk with at the fairs, festivals and barbecues. The people of Windsor—Tecumseh have an impressive social conscience and a sense of solidarity. It is they who truly inspire my own commitment to—

The Speaker: The hon. member for Calgary Midnapore.

* * *

RELIGIOUS FREEDOM

Hon. Jason Kenney (Calgary Midnapore, CPC): Mr. Speaker, racism has no place in our open and pluralistic society. Bigoted anti-Sikh posters recently appeared on the campus of the University of Alberta. I know I speak for all members in denouncing these expressions of hatred.

Many Sikhs have fought bravely for our country with the turban, including our Minister of National Defence, as a sign of their fidelity. I am proud to have belonged to a government that defended this and other expressions of religious freedom, such as the right of Sikhs to wear kirpans in schools, in this Parliament, and in our embassies abroad, and that stopped mandatory removal of turbans at airport security screening.

However, while condemning prejudice directed at Sikhs and other religious minorities, we must also win hearts and minds. That is why I am delighted that Alberta Sikh youth like Arundeeep Singh Sandhu are organizing a “Funk Your Turban” event at the UofA campus next Tuesday. I encourage all Albertans to attend to show their solidarity for our Sikh community and for Canada's pluralism.

* * *

CANADA-CHINA RELATIONS

Mr. Shaun Chen (Scarborough North, Lib.): Mr. Speaker, I am delighted to rise in the House to welcome Chinese Premier Li on his visit to Ottawa today.

Earlier this month, I also had the privilege of joining our Prime Minister on his successful first official visit to China, where we worked to build the foundation for a stronger, more stable Canada-China relationship.

Canada is back on the world stage, and it is critical that we engage with the world's second-largest economy and our second-biggest trading partner to promote sustainable growth and investment.

In Shanghai, 56 agreements worth over \$1.2 billion were signed between Canadian and Chinese companies. These contracts will not only benefit industries like Canadian beef and tourism, but they will also help create jobs, strengthen our middle class, and generate long-lasting people-to-people ties between our two countries.

Through international engagement, our nations can only become stronger as we work together to address global challenges like climate change.

[*Translation*]

Canada does better when it is open to the world. Today, we welcome China.

ORAL QUESTIONS

[*English*]

GOVERNMENT EXPENDITURES

Hon. Rona Ambrose (Leader of the Opposition, CPC): Mr. Speaker, across the country Canadians are struggling to find work. Imagine a mom who has lost her job and facing a mortgage payment without any idea of how she will come up with the money. Imagine that same mom waking up this morning to find out the Prime Minister gave \$200,000 to his friends to move from Toronto to Ottawa to work in his office.

With so many Canadians struggling for work, how can the Prime Minister possibly justify these incredible payouts?

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, as the member opposite well knows, this is a policy that was put in place by her government, and similar policies have been there since the 1970s when Prime Minister Trudeau was in office. The fact is that we followed all the principles and rules in place, both in the policy and the administration of the policy.

I can point out that the Prime Minister's Office is now significantly smaller than it was under the previous Conservative government.

● (1420)

Hon. Rona Ambrose (Leader of the Opposition, CPC): Mr. Speaker, hundreds of thousands of families have had their universal child care cheques cancelled, their tax-free savings accounts clawed back, their tax credits for their music lessons or their soccer camps ended. All of this to pay for Liberal spending. Now we find out that spending included \$220,000 to move two members of the Prime Minister's staff from Toronto to Ottawa, and this was a special deal signed off by him.

How can the Prime Minister possibly justify this to families whose child care cheques have been cancelled?

Oral Questions

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, I find it pleasing that the member opposite actually highlighted all of the extraordinary things we have done for Canadian families.

We stopped the Conservative program of sending child benefit cheques to millionaire families. Instead we are giving them to the nine out of ten Canadian families that need more help.

The members opposite actually voted against decreasing taxes for the middle class so we could raise them on the wealthiest 1%. That shows how out of touch the members opposite continue to be.

[*Translation*]

Hon. Rona Ambrose (Leader of the Opposition, CPC): Mr. Speaker, the Prime Minister keeps repeating that millionaire families like his do not need the government's help. However, he needed taxpayers' help to pay his children's nannies.

We now know that his staffers received hundreds of thousands of dollars to cover the cost of moving from Toronto to Ottawa.

Can the Prime Minister explain why these expenses are not an abuse of public funds?

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, as the member knows full well, this is a long-standing policy, one that has been in place for years, decades even, and that the former Conservative government updated a few years ago. We applied all the principles and rules.

The reality is that the former government still does not understand that voting against tax cuts for the middle class and a tax hike for the wealthy is good policy. It is disappointing that they voted against Bill C-2.

* * *

THE ECONOMY

Hon. Jason Kenney (Calgary Midnapore, CPC): Mr. Speaker, that is unbelievable. They are using Mike Duffy's excuse.

[*English*]

Yesterday brought yet more job losses for Albertans. Dozens are losing their jobs at Western Feedlots Ltd. with its closure, a key part of the western beef industry. Company president Dave Plett says that recent government policies like Bill 6 and the carbon tax have contributed to the decision to close its operations.

With yet more proof that carbon taxes kill jobs, will the government please reconsider its ideological determination to impose a job-killing carbon tax on Albertans?

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, I would take this opportunity to remind the member opposite that he is actually still in Ottawa and not in Alberta.

Some hon. members: Oh, oh!

The Speaker: Order. I know that members want to hear the answer.

The right hon. Prime Minister has the floor.

Right Hon. Justin Trudeau: Mr. Speaker, the fact is that farmers in Alberta, like farmers across the country, are pleased with the news

that we have settled the canola issue with the Chinese and that we have also made progress on bringing bone-in beef to China. It is the hard work this government is doing to create opportunities for our farmers and small businesses across this country to engage with the growing Chinese market that we are so pleased with today.

* * *

FOREIGN AFFAIRS

Hon. Jason Kenney (Calgary Midnapore, CPC): Mr. Speaker, whether it is here or in Alberta, I will always fight for people's interests, including against the carbon tax.

On a different matter, yesterday I put a motion to this place, the same as Conservatives proposed as a vote last June, to recognize that the crimes against humanity being committed by the so-called Islamic State against the Assyrian, Yazidi, Shia, and other religious minorities of Mesopotamia, constitute genocide. This has been recognized by the European Parliament, the U.S. Congress, and the British House of Commons.

Why did the government, yesterday, again reject this motion, a second time—once in June and then again yesterday? Will it not recognize the reality of this genocide against these minorities?

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, it is a real shame to see the extent to which people are willing to play politics with the lives of the most vulnerable people in the world. This government recognizes that acknowledging genocide should be done on the basis of extraordinary facts and wise counsel internationally, not just on political grandstanding by members like the member opposite.

● (1425)

Hon. Thomas Mulcair (Outremont, NDP): Mr. Speaker, the Prime Minister once said that the Chinese dictatorship is something that he admired. We now learn that that was not a slip of the tongue.

It is a fundamental principle of Canadian democracy that one does not send people to be tortured or killed. Canadians agree on that. Amnesty International and Human Rights Watch confirm the systematic use of torture and frequent executions in China.

The immigration minister sees the profound moral problem of an extradition treaty with China. Why does the Prime Minister not?

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, what this renewed and stable relationship with China allows for is an airing of concerns and difficulties faced by both countries. The fact that we now have an ongoing dialogue in which we can highlight concerns we have about consular cases, and indeed, in some cases, resolve them, and the fact that the Chinese can bring up issues that they have requests or questions about is what a strong relationship is all about.

Oral Questions

As I have reassured Canadians many times, as I have said to the Chinese leadership, and as I am happy to say in the House, Canada has very strong principles around the rule of law, around extradition treaties, and we will not bend those principles for anyone.

Hon. Thomas Mulcair (Outremont, NDP): Mr. Speaker, what is that guarantee worth if it comes from a dictatorship that abuses human rights?

[Translation]

China is a dictatorship. It does not respect the rule of law. According to groups like Amnesty International, the country systematically violates human rights, yet the Prime Minister does not see a problem with extraditing people to China.

If China promises not to harm anyone it wants deported, will that be enough for the Prime Minister of Canada?

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, as I said, we need a relatively strong relationship to discuss all sorts of issues with the Chinese government.

The reality is that our discussions on consular, economic, and human rights issues have already paid off. The reality is that we have a relationship that enables us to hear the questions and concerns of the people of China, while defending and upholding our human rights principles and protecting the values that are so dear to us here in Canada. That is what we will always do.

* * *

INDIGENOUS AFFAIRS

Hon. Thomas Mulcair (Outremont, NDP): Mr. Speaker, the Prime Minister promised to establish a genuine nation-to-nation relationship with Canada's indigenous peoples. He also signed the United Nations Declaration on the Rights of Indigenous Peoples. That means extensive consultations and accommodations are a must.

How can the Prime Minister clear the way for the Site C project when the indigenous rights issue is before the courts? Is that what he calls a respectful relationship?

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, Canadians expect us to engage in a renewed relationship with first nations, with indigenous peoples, and that is exactly what we are doing. We committed to holding consultations. We want to understand their concerns and work with them to open up economic opportunities that will benefit them.

We will continue to honour the process and partner with indigenous peoples to build and create a better future for them. That is what Canadians expect, and that is what we are doing.

[English]

Hon. Thomas Mulcair (Outremont, NDP): Mr. Speaker, indigenous people in B.C. say that they are heartbroken by the Site C betrayal, and it is not difficult to understand why.

The Minister of Justice said that the government was “running roughshod over aboriginal title rights”, but now she has been silenced.

Instead we have the fisheries minister saying that it is actually the responsibility of BC Hydro to hold consultations and respect indigenous rights.

Will the Prime Minister assume the responsibility to consult instead of bulldozing aboriginal rights?

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, we continue to respect the concerns indigenous peoples have on a wide range of issues, because we continue to listen, consult, and work in partnership with them.

We know that we need to move forward on both protecting environmental stability and on protecting economic growth. Canadians expect that. Indigenous Canadians expect that. We will continue to work with the kind of respect we have always shown towards indigenous Canadians.

* * *

● (1430)

[Translation]

GOVERNMENT EXPENDITURES

Mr. Jacques Gourde (Lévis—Lotbinière, CPC): Mr. Speaker, we now know that the exorbitant moving expenses for two employees in the Prime Minister's Office were for the chief of staff and the Prime Minister's best friend. Knowing how much was spent does not make it more acceptable. Having the right to claim something does not give anyone the right to abuse taxpayers' dollars and spend recklessly.

How can the Prime Minister justify these expenses to Canadian families?

Hon. Bardish Chagger (Leader of the Government in the House of Commons and Minister of Small Business and Tourism, Lib.): Mr. Speaker, the government has had a relocation policy for public servants and political staff since the 1970s. The current rules were written in 2008. In the cases in question, the vast majority of the costs had to do with legal and real estate sales fees.

When it comes to the higher expense claims coming from the Prime Minister's Office, the vast majority of the costs pertained to real estate and legal fees, and the claims were made in accordance with the regulations.

Mr. Jacques Gourde (Lévis—Lotbinière, CPC): Mr. Speaker, when this government claimed that it would be open and transparent, Canadians families did not expect it to openly waste their money.

With all due respect to the Liberal Party, giving over \$200,000 to an employee and a friend of the Prime Minister is completely unacceptable. It was unacceptable in the time of the sponsorships and it is still unacceptable.

When will the Prime Minister understand that Canadian families' money is not his money?

Hon. Bardish Chagger (Leader of the Government in the House of Commons and Minister of Small Business and Tourism, Lib.): Mr. Speaker, we built a team of passionate, hard-working, extremely qualified Canadians to deliver the change that Canadians voted for.

Some people had to sell their home and move with their families and children to Ottawa. Any relocation was done in accordance with the relevant rules and directives.

[English]

Hon. Candice Bergen (Portage—Lisgar, CPC): Mr. Speaker, we learned yesterday that the over \$200,000 the Prime Minister signed off on was to move his two closest friends here to Ottawa, spending over \$200,000 to do so. His excuse, his justification, was “the rules made me do it”. That is not sufficient.

My question is for the Prime Minister. Does he think it is appropriate to spend over \$200,000 to move two people from Toronto to Ottawa?

Hon. Bardish Chagger (Leader of the Government in the House of Commons and Minister of Small Business and Tourism, Lib.): Mr. Speaker, we built a team of passionate, hard-working, extremely qualified Canadians to deliver the change Canadians voted for.

The government has had a relocation policy for public servants and ministerial staff since the 1970s. The current rules in place were written in 2008 and have been followed by every minister's office since. Any relocation was done in accordance with the guidelines.

Hon. Candice Bergen (Portage—Lisgar, CPC): Mr. Speaker, those rules came into effect in 2004, under Paul Martin. Regardless, that answer is not good enough.

The Prime Minister's own letter to his cabinet instructs them to use taxpayers' dollars with the utmost care and prudence.

Again I ask the Prime Minister, is using over \$200,000 to move two people from Toronto to Ottawa using taxpayers' dollars with the utmost care and prudence?

Hon. Bardish Chagger (Leader of the Government in the House of Commons and Minister of Small Business and Tourism, Lib.): Mr. Speaker, in the same document the member has quoted, it also states that this government has raised the bar on transparency. We will continue to raise the bar. Let me remind Canadians that any relocation was done in accordance with the guidelines.

Mrs. Karen Vecchio (Elgin—Middlesex—London, CPC): Mr. Speaker, is that why we had to go to *The Globe and Mail* to actually find out these answers? Canadians want to know why Liberals gave \$1.1 million to Liberal friends. The justice minister doled out \$114,000, and the foreign affairs minister forked out another \$146,000. Worse still, the Prime Minister gave his millionaire friends \$200,000 to move from Toronto to Ottawa. When will the Liberals tell us exactly how they justify spending this money?

• (1435)

Hon. Bardish Chagger (Leader of the Government in the House of Commons and Minister of Small Business and Tourism, Lib.): Mr. Speaker, the rules that are in place were written by the previous government. What I find kind of fascinating is the Conservative criticism of the rules that they themselves drafted while in government.

Mrs. Karen Vecchio (Elgin—Middlesex—London, CPC): Mr. Speaker, we are going to try this again.

It should not be too surprising that the Prime Minister's best friends learned how to stick taxpayers with the bill. After all, Gerry Butts and Katie Telford learned directly from the Wynne/McGuinty Liberals.

Oral Questions

In the race to spend and misuse taxpayer money, the Prime Minister is clearly now in the lead. When will the Prime Minister explain how he justified giving his best friend Gerry \$126,000?

Hon. Bardish Chagger (Leader of the Government in the House of Commons and Minister of Small Business and Tourism, Lib.): Mr. Speaker, the government has had a relocation policy for public servants and ministerial staff since the 1970s. It is important to note that these are the same rules that also apply to the military, the RCMP, and the public service. Any relocation was done in accordance with the guidelines.

* * *

[Translation]

CANADA REVENUE AGENCY

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, on the heels of the Panama papers, there has been another leak of information involving Canadian banks and companies. Apparently, the minister's strategy is not working. We have a new government, but still no action to combat tax havens. Canada currently has a tax information exchange agreement with the Bahamas. However, it does not appear to be working.

Following yesterday's revelations, does the Minister of National Revenue plan to review the agreement to ensure that there really is an effective exchange of information that will allow Canada to get tough on tax cheats once and for all?

Hon. Diane Lebouthillier (Minister of National Revenue, Lib.): Mr. Speaker, our government is committed to fighting tax evasion and aggressive tax avoidance and making sure that we have a system that is fair for all Canadians.

Let me be very clear. Most middle-class Canadians pay their fair share of taxes, but a few wealthy individuals are not doing the same, and that must stop. That is why our government invested \$444 million to give the CRA the best tools to combat tax evasion.

[English]

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, these are the answers from last year, not from this Parliament.

New records from the Bahamas are showing that three of Canada's big banks are setting up thousands of offshore companies in well-known tax havens: Liechtenstein, Switzerland, Luxembourg, Isle of Man, Panama, and now the Bahamas. We have tax agreements with all of them, and we are supposed to get this information from all of them, but instead we are getting it from media leaks. Enough of the same old platitudes. Can the minister finally get to the root of the problem on tax havens?

Oral Questions

[Translation]

Hon. Diane Lebouthillier (Minister of National Revenue, Lib.): Mr. Speaker, our government is working with our international partners to address this threat, and that co-operation will continue.

We will continue to gather and share more and more data. The Canada Revenue Agency is processing the information coming out of the Bahamas in co-operation with its partners and through court orders, as needed.

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GOVERNMENT EXPENDITURES

Mr. Joël Godin (Portneuf—Jacques-Cartier, CPC): Mr. Speaker, this is no laughing matter. The economy is sluggish. Canadians are losing their jobs and having a hard time putting money aside.

What is this government's priority? Reimbursing the moving expenses of two employees of the Prime Minister, one of whom is his best friend.

Now that we know everything we need to know about the Prime Minister's judgment, can the Liberals stop thumbing their noses at everyone? People do not pay taxes to give money to the Prime Minister's best friends. When will they stop wasting Canadians' money?

Hon. Bardish Chagger (Leader of the Government in the House of Commons and Minister of Small Business and Tourism, Lib.): Mr. Speaker, in the case of the higher numbers within the Prime Minister's office, the vast majority of the costs are associated with real estate fees and legal fees and are consistent with the rules.

Mr. Joël Godin (Portneuf—Jacques-Cartier, CPC): Mr. Speaker, they do not get it.

When my constituents talk to me, they speak of things like the economy, jobs, the huge Liberal deficit, and safety. That is what is important to Canadians. Meanwhile, the Prime Minister is busy doling out public funds to his friends. Typical Liberal Party behaviour.

Does the Prime Minister realize that he was not elected to reimburse his best friend's moving expenses? Can the Prime Minister start being responsible and show some discipline when it comes to managing money that belongs to Canadian families?

Hon. Bardish Chagger (Leader of the Government in the House of Commons and Minister of Small Business and Tourism, Lib.): Mr. Speaker, I am very proud that we have formed a team of passionate, hard-working, and highly skilled Canadians to give the public the change they voted for. The Canadians who are part of our team helped us and are helping Canadian businesses to grow, innovate, and export to create good jobs and wealth for Canadians.

● (1440)

[English]

Mr. Blaine Calkins (Red Deer—Lacombe, CPC): Mr. Speaker, the Prime Minister owes Canadians and this House some straight answers. He needs to answer for his lack of judgment. The Prime Minister gave over \$200,000 in moving expenses to his BFFs.

People in Alberta are losing their jobs and homes, yet the Prime Minister gave six-figure relocation payouts to his buddies. Can the Prime Minister stand in his place and justify to struggling Albertans why he thinks his friends deserve these absolutely egregious payouts?

Hon. Bardish Chagger (Leader of the Government in the House of Commons and Minister of Small Business and Tourism, Lib.): Mr. Speaker, I am proud of the diverse team we have built. I am proud of the people who have chosen to come and work with our team to ensure that we can advance the mandate Canadians have given us. Let us talk about some of the work that these hard-working Canadians have done. They have helped Canadian businesses to grow, innovate, and create quality jobs and wealth for Canadians. That is exactly the kind of work Canadians expect. That is exactly the kind of work we will continue to do.

Mr. Blaine Calkins (Red Deer—Lacombe, CPC): Mr. Speaker, they are working hard to oversee 10% unemployment in central Alberta for the first time in decades.

The Prime Minister's BFFs made like bandits, selling their million dollar Toronto homes and raking in over a half a million dollars each personally in profit, yet the Prime Minister personally chose to give \$200,000 of taxpayer money to his millionaire friends. The Prime Minister's impaired judgment is astounding and is, frankly, shocking. Can the Prime Minister tell struggling Alberta families exactly why he thinks his entitled millionaire BFFs deserve these outrageous payments?

Hon. Bardish Chagger (Leader of the Government in the House of Commons and Minister of Small Business and Tourism, Lib.): Mr. Speaker, tens of thousands of Canadians, Canada's best and brightest, have applied to come and serve in Canada to help deliver the mandate that Canadians voted for. Some people had to sell their homes and move with their families and children to Ottawa. In those instances, the vast majority of those costs had to do with real estate and legal fees. Any relocation was done in accordance with the law. However, let us look at the work that Canadians are doing, that our team is doing. We are working to grow this economy for Canadians from coast to coast to coast.

* * *

HEALTH

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, there is an overdose epidemic gripping our nation. This year alone, 2,000 Canadians are expected to die. Stakeholders are unanimous that opening supervised injection sites is one way we can start saving lives immediately, yet the government has refused to amend Conservative legislation that the former Liberal health critic said was designed to block new sites. Will the Liberals listen to the evidence and amend Bill C-2 so that we can take action and start saving Canadians' lives?

Oral Questions

Hon. Jane Philpott (Minister of Health, Lib.): Mr. Speaker, I have been working with all of my partners across the country on a comprehensive plan to address the opioid crisis in this country. That includes making sure all of the pillars of drug policy are addressed, including harm reduction. One of the most effective mechanisms of harm reduction is supervised consumption sites. I have instructed my department to make sure there are no unnecessary barriers in place. We are addressing the legislation and look forward to dealing with it appropriately to make sure those sites will be available for Canadians.

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[Translation]

PUBLIC SERVICES AND PROCUREMENT

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Mr. Speaker, people are dying every day and that is a serious matter. The Liberals should honour their commitments now.

While the minister does not have a problem paying a fortune to move his staff, who are his friends, the Liberals are unable to pay the public servants who work tirelessly for Canadians. A report commissioned by the government recommended that the deployment of Phoenix be slowed down. However, the minister did not even read it. Fifty-five thousand public servants are waiting to be paid what they are owed.

Why did the minister not do her homework before the Phoenix system was rolled out in its entirety?

[English]

Hon. Judy Foote (Minister of Public Services and Procurement, Lib.): Mr. Speaker, it is totally unacceptable for any public service employee to go without pay for work performed. That is why we have worked so hard putting in place additional measures to deal with the situation we are facing.

Right now, additional employees have been hired. We have put in place measures to make sure people who face hardships are being helped. We are doing everything we can to fix a problem that is not of the employees' making, but it is one that we will fix.

* * *

● (1445)

PUBLIC SAFETY

Mr. Darshan Singh Kang (Calgary Skyview, Lib.): Mr. Speaker, during the campaign we committed to making significant improvements to Canada's national security framework by improving existing legislation, strengthening the accountability, and enhancing counter-radicalization efforts.

My question is for the Minister of Public Safety and Emergency Preparedness. Can the minister please update the House on the government's efforts to ensure that both our national security and our rights and freedoms are protected?

Hon. Ralph Goodale (Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, on Tuesday I was very pleased to table in this House a national security green paper, which is intended to stimulate public debate as we proceed with unprecedented national security consultations to let Canadians, at

long last, have their say about how to keep our country safe and how to safeguard its open, inclusive, and democratic character at the same time. This is in addition to other measures, like the counter-radicalization initiative, parliamentary scrutiny through Bill C-22, and other measures that we will put before this House. This is an absolute priority for our government, and we are moving as quickly as we can.

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FOREIGN AFFAIRS

Hon. Peter Kent (Thornhill, CPC): Mr. Speaker, Canadians are still waiting for answers on the Liberal foreign policy flip-flop with China. The immigration minister said in August that Canada would never negotiate an extradition treaty with China while China maintained the death penalty. Only weeks later, the Liberals timidly announced an agreement to begin negotiations for an extradition treaty.

The Liberals deny that strings were attached to China's sudden, long-overdue release of Kevin Garratt.

Exactly what is the explanation?

Ms. Pam Goldsmith-Jones (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Mr. Speaker, here is the reality, rather than conjecture.

We have announced a high-level national security and rule-of-law dialogue as part of comprehensive discussions on expanding our relationship with China. The U.S. and the U.K. are holding similar dialogues.

Canadian officials have met with their Chinese counterparts to discuss counterterrorism, law enforcement, consular matters, and rule of law; and as part of those discussions, conversations on extradition were held. It was stressed that Canada is governed by very high standards. The promotion and protection of human rights is an integral part of Canadian foreign policy.

Hon. Peter Kent (Thornhill, CPC): Mr. Speaker, Canadians are well aware of China's imperfect justice system, the rigged trials, the brutal incarceration, the torture, and the executions.

Our allies, the U.S., Australia, and New Zealand, do not have extradition treaties with China. The Prime Minister naively says that Canada has high standards and rigorous processes, but Canada has no control over what happens in Chinese prisons. The Chinese have many ways of killing prisoners.

Why are the Liberals suddenly humouring China, given its cruel justice system?

Ms. Pam Goldsmith-Jones (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Mr. Speaker, the promotion and protection of human rights is an integral part of our foreign policy and a key aspect of our relationship with China. Both the Prime Minister and the Minister of Foreign Affairs raised human rights concerns with their direct counterparts at every possible opportunity, including the most recent visit to China.

These are not easy conversations to have. They represent a policy of engagement, which is a far cry from the policy of retreat and isolationism of the previous government.

*Oral Questions***MARIJUANA**

Ms. Rachael Harder (Lethbridge, CPC): Mr. Speaker, again, we are witnessing complete mismanagement by the Liberals with regard to the marijuana file.

Over a year ago, the minister was told that marijuana being sold at illegal dispensaries was laced with both pesticides and fungicides, yet the minister sat on the report and did absolutely nothing. The complete mismanagement on this file and the minister's continual display of horrendous mismanagement is putting Canadians' safety at risk.

I would like the minister to answer for us today. When will she take the safety of Canadians seriously? When will she take action on this file?

Hon. Jane Philpott (Minister of Health, Lib.): Mr. Speaker, we take the health and safety of Canadians with the utmost seriousness. We have in place a strict regime for access to medical marijuana, which includes testing of products to make sure they are safe and free from contaminants.

There are, however, dispensaries in this country that are illegal. It is not the responsibility of the government to regulate illegal products. We will continue to make sure legal products are safe for consumption, and we will put in place a mechanism to make sure all marijuana is safe for consumption.

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• (1450)

JUSTICE

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Mr. Speaker, the Liberal Supreme Court appointment process is an insult to Atlantic Canada. The Liberals are upending a 141-year constitutional convention guaranteeing Atlantic Canadian representation on the court.

Of the 32 Liberal MPs from Atlantic Canada, is there not one who is prepared to stand up against this Liberal attempt to shut out Atlantic Canada?

Hon. Jody Wilson-Raybould (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am pleased to stand up to speak to the process that we have introduced in terms of Supreme Court of Canada appointments, an open and transparent process that respects the custom of regional representation, that speaks to functional bilingualism, that speaks to appointing and identifying high-quality jurists who will fill the next seat. It also speaks to the principle of diversity.

I look forward to working with the independent advisory board to make recommendations to the Prime Minister, and I know there will be highly qualified jurists on that list from Atlantic Canada.

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STEEL INDUSTRY

Mr. Scott Duvall (Hamilton Mountain, NDP): Mr. Speaker, yesterday's announcement of a potential deal to buy U.S. Steel Canada provides light at the end of a long tunnel for thousands of current and former workers in Hamilton, but the deal is far from complete and the federal government needs to do its part.

The Prime Minister promised to help when he needed their votes, but the Liberals have done nothing since to help Hamilton steelworkers and pensioners, with everything on the line.

When will the minister sit down at the negotiations and ensure protections for these jobs and pensions?

Hon. Navdeep Bains (Minister of Innovation, Science and Economic Development, Lib.): Mr. Speaker, I have been very fortunate to work with my colleagues from Hamilton East—Stoney Creek and Hamilton West—Ancaster—Dundas who have been very engaged on this file.

We have been working very closely with Hamiltonians. We understand the importance of steel and the importance of manufacturing, and it is part of our innovation agenda as well.

We are working very closely to find any solution to advance this agenda. We will make sure that any decision we make will be in the best interests of Hamiltonians.

Ms. Tracey Ramsey (Essex, NDP): Mr. Speaker, the Liberals have abandoned former Stelco workers, and they failed to stand up for the sector against steel dumping.

China's unfair trade practice is hurting Canada's steel industry and putting tens of thousands of good jobs at risk.

The Canadian Chamber of Commerce and local chambers, like mine in Windsor—Essex, have urged the government to act, but so far the Liberals have only offered hollow words.

With the Chinese premier visiting today, will the Liberals finally act on unfair steel dumping?

Hon. Navdeep Bains (Minister of Innovation, Science and Economic Development, Lib.): Mr. Speaker, Canadian steel producers are world class, and we recognize this. We are working with our international partners to address the issue of global overcapacity. That is why we are finding ways to curtail excess capacity and illegal dumping within our borders.

This is something that was also raised in the North American leaders summit in Ottawa. This is an important issue for us. We will continue to make sure we address this in a meaningful way.

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NATURAL RESOURCES

Mr. John Barlow (Foothills, CPC): Mr. Speaker, I have great news. Encana is investing \$1 billion to double its oil well capacity. Oh, but that is in Texas.

Low oil prices are not the reason that investors are being scared away from Canada. It is inaction and bad policy by the Liberal government.

There are 125,000 Alberta energy workers unemployed. These are families who are struggling to pay their mortgages and struggling to put food on the table.

When will the Liberal government finally make key decisions to show investors that Canada, like Texas that does not have a carbon tax, is open for business?

Oral Questions

Hon. Jim Carr (Minister of Natural Resources, Lib.): Mr. Speaker, we are in a position to make key decisions when Canadians believe that the process is fair and transparent, unlike the process we have been working with for the last 10 years when not one kilometre of pipeline was built to tidewater.

I do not know what words we would use to describe it if we were to follow that same process, but we are looking for a better path, and that better path includes meaningful consultation with indigenous communities and working across the country, so that when a decision is taken, Canadians will say that was a process that worked.

* * *

AGRICULTURE

Mr. John Barlow (Foothills, CPC): Mr. Speaker, 17 pipeline projects were approved under the Conservative government. I just want to make sure that is perfectly clear.

The job crisis in Alberta has only gotten worse with the announcement yesterday that Western Feedlots will be closing its gates next year, meaning another 85 Albertans are out of work.

It goes deeper. With Western's 100,000 head of cattle off the market, this will be devastating for Alberta's barley growers and its beef processors.

The main reason for the closure, according to Western Feedlots, is the impending NDP and Liberal carbon taxes.

When will the Liberal government admit that its job-killing carbon tax is an attack on—

• (1455)

The Speaker: Order, please.

The hon. Minister of Agriculture.

Hon. Lawrence MacAulay (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, we are aware of the closure of Western Feedlots and certainly concerned, but what a day for Canadian agriculture. What a day for the canola farmers in western Canada. What a day for the beef producers, the ranchers in our country.

We have gained access to the Chinese market and that is vitally important for the Canadian farmer.

* * *

THE ECONOMY

Mr. David Anderson (Cypress Hills—Grasslands, CPC): Mr. Speaker, it is interesting. All that was achieved without the participation of the agriculture minister.

Here are the results of the Prime Minister bringing his friends here. Alberta energy investment is lost. Agricultural jobs are disappearing. Industries are being hammered. The government's carbon tax scheme is being blamed, and the Liberals have already said that Canadians will be punished with ever-increasing carbon taxes. This is how they destroy an economy: one Liberal policy at a time.

When will the Liberals remove their bull's eye from the western Canadian economy?

Hon. Jim Carr (Minister of Natural Resources, Lib.): Mr. Speaker, the Government of British Columbia understands about carbon pricing. The Conservative Government of Alberta understands about carbon pricing. The newly elected Progressive Conservative Government of Manitoba understands about carbon pricing, and across the other way, this government understands about carbon pricing and taxing pollution. We know that the NDP understands the importance of carbon pricing. The Green Party understands the importance. The Bloc understands the importance. Who does that leave?

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[Translation]

CANADA REVENUE AGENCY

Mr. David de Burgh Graham (Laurentides—Labelle, Lib.): Mr. Speaker, the Mont-Laurier region has been hit hard by suspected fraud.

The police is investigating a payroll services company, which has filed for bankruptcy, and its managers. Nearly \$600,000 in payroll deductions from about 80 SMEs and organizations were not remitted to the federal and provincial governments.

My team, MLA Sylvain Pagé, the CFDC, the CLD, the Chamber of Commerce and others are helping the businesses affected.

Can the Minister of National Revenue explain how the Canada Revenue Agency can help the people in the Upper Laurentians deal with this difficult situation?

Hon. Diane Lebouthillier (Minister of National Revenue, Lib.): Mr. Speaker, I would like to thank my colleague from Laurentides—Labelle for his important question.

The Agency is sensitive to situations involving fraud. In this type of situation, the Agency usually sets up special teams to centralize the cases and ensure fair and equitable treatment. Therefore, I encourage the taxpayers affected to contact and work with the Agency.

We will work with the individuals involved to solve their problems as information comes to light. We are following this situation very closely.

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REGIONAL ECONOMIC DEVELOPMENT

Mr. Pierre Paul-Hus (Charlesbourg—Haute-Saint-Charles, CPC): Mr. Speaker, during the election campaign, the mayor of Quebec City, Mr. Labeaume, identified four priorities for his city, one of which was the Institut nordique du Québec.

The Liberals promised to provide funding for the institute. On February 22, the member for Louis-Hébert said that federal funding for the institute was on track, but it is slow in coming.

The north has really been neglected by the Liberals. The Prime Minister never visits the north, the north is no longer represented in cabinet, and there is no funding for the institute responsible for studying the north.

When will the government provide funding for the Institut nordique du Québec?

*Oral Questions**[English]*

Hon. Navdeep Bains (Minister of Innovation, Science and Economic Development, Lib.): Mr. Speaker, our government has been very clear in supporting our post-secondary institutions and helping businesses commercialize their R and D investments with those institutions. That is why we put forward a strategic investment fund of \$2 billion that will help colleges and universities across Canada. That includes institutes like this that had funding in the past, and we will continue to work with them with funding opportunities going forward, as well.

We have not neglected a region. In fact, we have made significant investments to help diversify the region, to grow the economy, and to create good-quality jobs.

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STATUS OF WOMEN

Ms. Sheila Malcolmson (Nanaimo—Ladysmith, NDP): Mr. Speaker, the United Nations and women's organizations from across the country have been calling for a national action plan to end violence against women.

While the government took some good first steps this summer, its scope does not seem to include policing, education, or women's shelters. How can we plan to end gender-based violence if we are not going to talk with the police, if we are not going to include policing? Why is the government adopting such a narrow scope in its approach to this vital work?

Hon. Patty Hajdu (Minister of Status of Women, Lib.): Mr. Speaker, it has been my incredible privilege to hear from organizations, front-line workers, people who in fact work from an enforcement lens, and people who support survivors on the ground, all summer long. In fact, many of those conversations have been so heartfelt and moving that it has brought me and my staff to tears.

We are very excited about what we have heard. We are very excited about the collaboration across government to come up with a federal gender-based violence strategy that will ensure that women and girls have the full opportunity to participate in this country, regardless of where they live.

* * *

• (1500)

HEALTH

Ms. Julie Dzerowicz (Davenport, Lib.): Mr. Speaker, a few months ago I met with a large and energetic group of Spanish seniors at the Davenport-Perth community centre. Last Friday, I met with agencies in Davenport that service the Portuguese community, a community that makes up almost 30% of my riding.

One of the key issues raised by both groups was the high price and the lack of affordability of prescription drugs for many seniors. Can the Minister of Health provide an update on what she is doing in consultation with the provinces to reduce the price of drugs for seniors?

Hon. Jane Philpott (Minister of Health, Lib.): Mr. Speaker, in my discussions around the health accord, I have been talking to health ministers across this country about how we can make sure that prescription medications for all Canadians are affordable, accessible,

and appropriately prescribed. One of the opportunities that we have taken is for the federal government to join the pan-Canadian pharmaceutical alliance. This is a means of negotiating bulk purchasing of medications. It will already realize annual savings in the order of \$700 million per year.

I look forward to further discussions with my colleagues to make sure that other steps are taken to reduce the cost of prescription drugs.

* * *

GOVERNMENT EXPENDITURES

Hon. Michelle Rempel (Calgary Nose Hill, CPC): Mr. Speaker, earlier the government House leader admitted that the bulk of over 200,000 dollars' worth of moving expenses for two senior PMO staffers was for real estate fees, which means that those were for very high-value properties.

I am wondering this. There are hundreds of thousands of people out of work in my province right now, and those people expect us to use good judgment, not to try to bend the rules for opportunism. If one of those families who are out of work right now looked into the Prime Minister's eyes and asked, "Was it good judgment to sign off on \$200,000 of real estate fees for top staffers?", what would—

The Speaker: The hon. government House leader.

Hon. Bardish Chagger (Leader of the Government in the House of Commons and Minister of Small Business and Tourism, Lib.): Mr. Speaker, this government was elected on a promise to help grow the economy. This government was elected on a commitment to create good-paying jobs for Canadians. This government has built a team of hard-working Canadians that are committed to delivering on the mandate that we have been given, the mandate we will continue to work on, and I am proud of the team that we have.

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*[Translation]***HEALTH**

Mr. Rhéal Fortin (Rivière-du-Nord, BQ): Mr. Speaker, after sending his Minister of Health to intimidate the Government of Quebec by threatening to impose fines, the Prime Minister is now trying to give the Quebec government a lesson in morality. Canadians are tired of governments that point the finger and accuse each another. That takes some nerve.

Rather than acting like a pyromaniac firefighter, could the Prime Minister stop taking sick people in Quebec hostage, restore the health transfers with no strings attached, and forget this bright idea to impose a fine on sick people in Quebec?

Hon. Jane Philpott (Minister of Health, Lib.): Mr. Speaker, I thank my colleague for his question.

Canadians pay for health care when they pay their taxes, and they should not have to pay a second time. That is why we support the Canada Health Act. The deductions set out in the act are a last resort. We will continue to work with the provinces and territories to strengthen our universal public health care system.

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SOFTWOOD LUMBER

Mr. Luc Thériault (Montcalm, BQ): Mr. Speaker, the Minister of International Trade says she is prepared to defend the softwood lumber industry before the courts. A good thing, too, because Quebec's lumber producers want free trade, not a bad deal.

The last softwood lumber dispute happened on the Liberals' watch, and Quebec paid the price. Our businesses went bankrupt, our workers lost their jobs, and our regions nearly collapsed.

This time, will the government pledge to liberate Quebec softwood lumber from tariffs and quotas?

Mr. David Lametti (Parliamentary Secretary to the Minister of International Trade, Lib.): Mr. Speaker, I thank my hon. colleague for his question.

We are working very hard on this file. We know where Quebec's industry and workers stand on the issue. The Conseil du patronat du Québec acknowledged the Minister of International Trade's efforts on behalf of Quebec's forestry industry. The workers we talked to in the Saguenay region said the same thing.

We are working very hard on this file to reach an agreement that is good for Canada and for Quebec.

* * *

• (1505)

[English]

PRESENCE IN GALLERY

The Speaker: I would like to draw to the attention of hon. members the presence in the gallery of the Hon. Stephen Horsman, Deputy Premier, Minister responsible for Families and Children and Responsible for Military Affairs for the Province of New Brunswick.

Some hon. members: Hear, hear!

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BUSINESS OF THE HOUSE

Hon. Candice Bergen (Portage—Lisgar, CPC): Mr. Speaker, as this is my first Thursday question as House opposition leader, I want to congratulate the new government House leader, although I want to say maybe the former one got out just in the nick of time. I congratulate her and very much look forward to working with the new House leader.

Could the minister advise the House what business the government intends to call for the remainder of this week and next week?

Hon. Bardish Chagger (Leader of the Government in the House of Commons and Minister of Small Business and Tourism, Lib.): Mr. Speaker, I look forward to working with the member as well and congratulate her on her new role.

Points of Order

[Translation]

This afternoon, we will continue with the Conservative Party motion. Tomorrow, we will proceed with Bill C-4, the union bill.

[English]

I have had discussions with opposition House leaders to find agreement on the handling of the debate at report stage and the third reading of this bill. I would like to thank them for their co-operation. We will continue this debate on Monday as well, in the hope of concluding third reading debate at the end of the day.

On Tuesday, we shall commence second reading debate of Bill C-22, which establishes a national committee of parliamentarians. I expect that debate to carry over to Wednesday and I hope we can conclude the debate on Friday so that we can get the bill to committee early next week.

Lastly, next Thursday shall be an allotted day.

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POINTS OF ORDER

STANDING COMMITTEE ON HEALTH

Hon. Pierre Poilievre (Carleton, CPC): Mr. Speaker, I am rising on a point of order today with respect to Standing Order 108(2).

Today at the health committee, I attempted to move a motion that was tabled with the committee's clerk in June. The motion stated "That, pursuant to Standing Order 108(2), the Committee immediately undertake a study into the government's rejection of an expert-panel's decision to locate the future Ottawa Hospital Civic Campus on federal land across the street from the existing Hospital; and that the Committee call the Ministers of Environment, Heritage, and Agriculture and Dr. Mark Kristmanson, CEO of the National Capital Commission (NCC), to discuss the matter."

Normally, a local hospital issue would not be in federal jurisdiction, but this arises because the government has now inserted a federal agency into the decision of where to locate the hospital and the federal Minister of Environment has interfered and blocked the hospital's construction in her own riding. Thus, there is a federal connection to the future construction of this hospital location. However, the chair of the committee ruled that the subject material was outside the jurisdiction of the committee, meaning that a hospital is out of the jurisdiction of the health committee. The chair then ruled the debate out of order and prevented even a vote on the motion, which was moved before the committee.

Business of Supply

In accordance with Standing Orders 108(1) and 108(2), committees are masters of their own domain, and they can study any topics they choose and that are referred to them by the House. As well, the health committee's own website states that it may also study matters the committee itself chooses to examine. Therefore, there is no legitimate reason for the motion to have been ruled out of order. The committee, being master of its domain, ought to have been allowed to debate and then vote on the substance of the motion itself rather than having the chair arbitrarily shut down the debate before it even occurred.

This matter is of immense importance to the people of the national capital region. The existing Civic campus, which represents the amalgamation of three hospital sites, is now almost 100 years old. It is falling apart. It is desperately in need of replacement. After a nine-year process, a site for its future construction was selected immediately across the street on federal land. There was a broad consensus among hospital board and management members that this was the right place to put the hospital. It was a decision accepted by the previous government. There were no objections made to that site by the now-governing party during the last election; yet suddenly and arbitrarily the member of Parliament for the riding in question and minister for the region slammed on the brakes and blocked the hospital's construction.

Now I am asking for that member to come before a parliamentary committee and be accountable for her decision to delay the provision of health care in her own riding. Unfortunately, the Liberal majority is shutting down the debate and preventing any transparency in regard to that decision-making, by banning this motion from even being voted upon.

Mr. Speaker, I believe this is a violation of Standing Orders 108(1) and 108(2). It falls to the Speaker to intervene when Standing Orders of the House are violated by chairs of committees, which are of course creatures of Parliament. This city needs a new hospital, and it is not the role of the federal government to stop the construction of that hospital. That is precisely what is happening and it is time that the Liberal Minister of Environment come before a committee and explained why she has done this to her community.

Every day that goes by, Ottawa moves further down the list of priority sites for a future hospital. With dwindling provincial health care resources available for the construction of hospitals, we in Ottawa are losing our place on that list and putting the health care of our people in some jeopardy. All I am asking for is that there be a debate and a vote on the motion and that the Minister of Environment come before the committee to explain her decision to block the hospital and that we have clear answers so that the residents of Ottawa can have accountability for the decisions that affect the health of the next generation of local residents.

• (1510)

The Deputy Speaker: I thank the hon. member for Carleton for his point of order and his rather thorough research of the matter.

The member will know that matters that are dealt with at the standing committee level, as he pointed out rightly himself, are matters that are taken up by the committee itself.

He may also know there is a mechanism by which committees can refer business to the House for debate and or consideration when the

committee in fact makes a report of such disagreements that may occur in the course of its deliberations.

Normally, the chair is reluctant to adjudicate matters here in the House that pertain to committee business until such time as a report has come from that committee to the House for its consideration.

I take the matter under advisement and we will get back to the member if necessary, but he may want to go back and consider in committee itself whether such a report could be provided, and then the House would have a mechanism by which to consider the matter.

GOVERNMENT ORDERS

[English]

BUSINESS OF SUPPLY

OPPOSITION MOTION—APPOINTMENTS TO THE SUPREME COURT

The House resumed consideration of the motion.

The Deputy Speaker: When the House last took up consideration of the question, the hon. member for Long Range Mountains had five minutes remaining in her time for her remarks and, of course, the usual five minutes for questions and comments.

We will go now to the hon. member, the parliamentary secretary for small business and tourism.

• (1515)

Ms. Gudie Hutchings (Parliamentary Secretary for Small Business and Tourism, Lib.): Mr. Speaker, as I said earlier, the Supreme Court has a direct effect on every part of our country, but there are very few areas in the country where federal government decisions can have such an impact on people's daily lives. People from Atlantic Canada understand this reality.

One of the largest industries in the Long Range Mountains is the fishery, and because of that, when I speak with my constituents, as I did this summer and last year on the docks, wharfs, and stages, one thing has always been important to them, the decisions being made by the Department of Fisheries and Oceans. I raise this because I find it interesting that the members opposite have suddenly developed an interest in Atlantic Canada. They have suddenly decided that Atlantic Canada is important to them.

I find it ironic that this recognition was missing for 10 years while they were in government. It was clear that the previous government did not recognize the importance of the Long Range Mountains of Newfoundland and Labrador, or of Atlantic Canada. For 10 years we felt ignored by the previous government, whether it was cutting federal government jobs from Atlantic Canada—our province of Newfoundland and Labrador lost over 1,000—or gutting, pardon the pun, investments in fisheries, science, and research, which had terrible impacts on all our fisheries and hard-working harvesters and plant workers throughout our Atlantic coast; or pitting the four Atlantic provinces against each other for its own political gain.

Business of Supply

I also find it interesting that the members opposite like to point out that our party won all 32 seats in the last election. Following their drive-by this past summer, they seem to think that all of a sudden Atlantic Canadians will be fooled by their fleeting politically motivated interests. Those of us on this side of the House who are so fortunate and blessed to represent our ridings in Atlantic Canada will still be working hard for all of our constituents long after the members opposite have gone back to ignoring Atlantic Canada.

The Minister of Justice stood this morning to tell the House that our government is supporting this motion. She stood to confirm that there will be candidates from Atlantic Canada provided by the independent advisory board. As someone from Atlantic Canada, I am confident in the calibre of our judges and that in any national search Atlantic Canadians can hold their own. That includes candidates from Newfoundland and Labrador.

This new process to appoint judges to the Supreme Court will allow all Canadians to feel comfortable that the selections to be made will represent everyone in the country. For the very first time in Canadian history any qualified judge or lawyer will be able to apply for an appointment, and Canadians can feel confident that the seven-member advisory board will work tirelessly to select only the best candidates.

An Atlantic Canadian on the bench of the Supreme Court would not only give Atlantic Canada a fair role but would also help Canadians, and especially Atlantic Canadians, to feel confident in the system and in all rulings handed down by the highest court.

What this does show all Atlantic Canadians is that we are an equal member of Confederation in our magnificent country. We have a smaller population that is spread out over some of the largest regions of our country, like my riding of the Long Range Mountains where we only have a population of 87,000 people, but one that is spread out over an area of 41,000 square kilometres. Our entire region is an equal partner in our country.

I am pleased that the minister has reiterated the importance of an Atlantic Canadian voice on the court. It is so important in our country to know that we were all treated fairly and judged solely on merit. I am very glad that we will be supporting the motion. I look forward to meeting our future nominee.

Hon. Lisa Raitt (Milton, CPC): Mr. Speaker, perhaps the member opposite can enlighten us as to any conversations she may have had with members within the provincial government. As she may very well know, the minister of justice for Newfoundland and Labrador wrote her government in April of 2016, on the understanding that it was Atlantic Canada's turn to appoint to the bench.

I thought Newfoundland and Labrador made a very strong case to say that it was its time to have a justice on the Supreme Court bench. They both put out a press release. They had the law society come and talk about the importance of a jurist from Newfoundland and Labrador being appointed to that bench.

Why did she not stand up to assert that this must happen, as opposed to waiting until this very moment when we pushed the question upon the Liberals to make her stand up and represent Atlantic Canadians?

● (1520)

Ms. Gudie Hutchings: Mr. Speaker, I am very familiar with the minister of justice in Newfoundland and Labrador. He is in my riding and we speak often. What he is pleased of now, as are all Newfoundlanders and Labradorians, as well as all Atlantic Canadians, is that there is a system in place that will be fair for all. It will be fair for Newfoundlanders and Labradorians, Atlantic Canadians, indigenous people, and those of other minorities. What is great about this new system is that they will be able to apply every time after.

Therefore, we are excited that there is a system that is all-inclusive for any appointment that is coming up in the judicial system down the road. They can apply whenever.

[*Translation*]

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, the Supreme Court of Canada appointments process must be transparent and credible. There exists an obligation to ensure regional and official language representation. There is also another very important issue: aboriginal communities' lack of confidence in provincial and federal courts.

How will the government commit to earning aboriginal communities' trust in the Supreme Court?

[*English*]

Ms. Gudie Hutchings: Mr. Speaker, it is obvious that aboriginal and indigenous issues are important to my colleague opposite, as well as many of us on this side of the House.

Again, I would like to reiterate what the Minister of Justice said this morning. She said that this new process was fair for all groups, especially indigenous people, those from Atlantic Canada, from Newfoundland and Labrador, and from the Northwest Territories, who have never had representation before. Therefore, we are confident this process is fair and just for all Canadians from coast to coast to coast.

Mr. Colin Fraser (West Nova, Lib.): Mr. Speaker, I would like to congratulate my friend from Long Range Mountains for her excellent speech. One of the things that I have heard so far today in the debate from the Conservatives in particular is that on this side of the House the Liberal Atlantic Canadian members of Parliament, which includes all 32 of them, are not standing up for Atlantic Canada. I would ask my friend if she would agree with that comment in particular. Would she also suggest some of the things that she has experienced in her time as a member of Parliament, working with her other colleagues in Atlantic Canada, to stand up for our constituents?

Ms. Gudie Hutchings: Mr. Speaker, Atlantic Canada is blessed. We have 32 seats that are represented by 32 passionate people from the four Atlantic provinces. We work as our own Atlantic caucus, which is unique because all of the members of the Atlantic caucus are from Atlantic Canada. Therefore, we work on Atlantic Canadian issues.

Business of Supply

Weekly, we work on Atlantic Canadian issues in our caucuses. We have come together with respect to the Atlantic accord, which is the Atlantic innovation process being done through the Minister of Innovation, Science and Economic Development. It is incredible. It had input from all 32 MPs, and is a way forward for us to ensure that Atlantic Canada can grow. We can discover the many challenges out there and deal with the opportunities that are coming forward to ensure Atlantic Canada does grow and strive and be a vital part of our Canadian economy.

Hon. Lisa Raitt (Milton, CPC): Mr. Speaker, I appreciate the opportunity to speak on an issue that has caught my attention since the first announcement was made in the heat of this year's summer.

I grew up in Cape Breton Island. I went to law school. I am very proud to come from the same street as the Chief Justice of the Supreme Court of Nova Scotia, Michael MacDonald. Why I am proud of that is because it showed me growing up that people could do whatever they put their mind to. That was a very important principle for me.

Having the knowledge that a Supreme Court Justice was possibility from Atlantic Canada, as a lawyer, was very personal to me and very important. I can recall that when I would be reading law at Osgoode Hall, I would be looking to see what the various justices from the Atlantic provinces would say, because oftentimes it reflected what I thought and what I felt.

The ironic part was that it really did not have to do with whether they were Scottish, and I was Scottish, or if they were a man and I was a woman. What really came through was the geographic sensibilities associated with the thought process in taking decisions. We are, at the end of the day, nothing but a product of the environment in which we are brought up. Indeed, geography is incredibly important. When we think of it, every member in the House self-identifies as being from a certain geography. I am the member from Milton. Some would say I am the member from Cape Breton, sometimes. I am not, that goes to the members opposite who were here earlier.

Geography has been an incredibly important part of our country. As members have probably heard from many of the members already on our side here today, the reality is that this was reflected in the bargain for Confederation. That was the precept upon which we came together. Indeed, as an Atlantic Canadian, I do not know if we got a great bargain. We only got one out of the total, instead of asking for more at the table.

Today we find ourselves in a situation where we are being told that we do not even get that one. After 140-some years we are not guaranteed that position. I do believe it is a guarantee. I believe that was a term that was a precedent condition, a condition precedent for us joining Confederation and continuing along.

Throughout the history of the Atlantic provinces, specifically Nova Scotia and Cape Breton, we often say that the best times we had was when we first joined Confederation. We were at the height. We were the fishers, we had the forestry, and we were the ones who made the money and riches. The minute we became part of Confederation, perhaps we did not do as well, and perhaps that is the situation we find ourselves in today.

I have a more precise dissertation and a disagreement with the process being put forward. The process is important, because what I understood from the Minister of Justice this morning was that the reason why we were in the situation today regarding no geographic confirmation for Atlantic Canada was because we had come up with a new process.

The Liberals said that they had an election promise for transparency, inclusiveness, and accountability, and I accept that. That is what they ran on, and those are good principles to ensure we get the right jurist to sit on the Supreme Court bench.

However, to utilize the example and the excuse that there is a process that has been set out which may not yield a jurist from Atlantic Canada is not an excuse for not doing it. It is kind of like we heard in question period today. Just because the rules are there that allow us to do something, does not necessarily mean that thou shalt do it. However, it is reversed. The rules are in place and thou shalt do it.

From what I understand, the process is that the Minister of Justice has set up an advisory committee that will develop a short list. We know the mandate is that the jurist must be fluently bilingual and reflect diversity in the country. The end result is that this long-standing convention of geographical representation has been deemed non-necessary. I do not think that is a proper outcome of the process that has been put in. The Liberals could very well have made it mandatory within their process to ensure that this precept was respected in the advisory committee.

• (1525)

Our motion today would restore the notion that having a qualified jurist from the Atlantic provinces would be a constitutional requirement and should respect it as such.

I want to thank the official opposition House leader for reminding me that I am actually splitting my time today with the member for Sherwood Park—Fort Saskatchewan. That is why she is doing such a good job in her new role. Quite frankly, I will take up everybody's time here to talk about Cape Breton and Atlantic Canada, which are so dear to my heart.

Let me talk about what Peter Hogg said with respect to the notion of setting up an advisory committee process. As many may know, Peter Hogg is an incredible jurist who I have the utmost respect for and indeed he is the foremost person who understands constitutional law in our country. When he talks in terms of what the appointment process is and where we should go in that process, he says the following with respect to an advisory committee at the end of his dissertation.

Business of Supply

He basically has two objections to an advisory committee process. The reason why he has an objection in the first case is that when we create one of these smaller kinds of advisory committees, we end up with a situation where the advisory committee is so insular, it is afraid to go outside and find someone who may be a little controversial. He recognizes there have been some controversial appointments to the Supreme Court in the past. Specifically he cites a particular one where was decided to appoint someone of the Jewish faith to the Supreme Court of Canada who may not have come out of a closed advisory committee. Indeed, I agree with Professor Hogg that this problem can happen when we utilize an advisory committee.

The reality is that we may not end up with a process as robust. Indeed, I believe the Minister of Justice indicated that the Prime Minister would choose from the list provided by this advisory committee. Therefore, in a sense we are handing this over to seven individuals, who are probably all fine individuals, and I do not in the least indicate that I do not have confidence in their abilities. However, in that kind of group-think we may end with a result that does not yield the best jurists.

That is in general. I believe we cannot hide behind the notion that this advisory committee will make all of the decisions. Some discretion has to be left for the Prime Minister to make the choice of nominating and indeed appointing and approving a Supreme Court candidate. The flip side of that is ministers in his government cannot hide behind an advisory committee and say that it is the one that chose the individual, because he should have, and he has, the ability to retain it all.

One part of the mandate that was mentioned already was that the individual to be appointed must be fluently bilingual. Indeed today Senator Murray Sinclair and Chief Perry Bellegarde expressed their concerns about the mandate, much like I am expressing my concern today about the fact that it is excluded. In the definition of inclusivity is the notion of geographical designation.

Mr. Allan Hutchinson is a professor. I had the pleasure of being in one of his classes a long time ago. This is what he said with respect to Supreme Court appointments. I find it telling and I find it important. He said this far before the notion of the Prime Minister determining that no longer did we have to cite and abide by this constitutional rule. He said:

...the prime minister both nominates and approves a candidate.... While he might well seek input from others, the only formal constraint is that of geographical representation—three from Quebec, one from Eastern Canada, three from Ontario and two from the West.

This is what the highest jurist in the land and the highest level of legal theory in the land is saying, that it is definitely a part of the Constitution. It is mandatory to seek out and include geographical representation, that an advisory committee is flawed in the beginning and that we need to ensure we leave some room to pick bold candidates who actually will bring that court to where it needs to be.

At the end of the day, judges are the arbiters of what is reasonable in a free and democratic society. As the Charter of Rights and Freedoms phrases it, the appointment of these judges and the validation of the process should also be reasonable and it should be democratic. Neither is true in the process that the minister has put forward today.

● (1530)

Mr. Sean Casey (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I would like to thank the member for Milton, originally from Cape Breton, for her contribution to the debate today. There were a couple of things she said in error, and if I may, I am going to point them out. She can feel free to respond.

She suggested that a criterion for the next Supreme Court of Canada judge is that the person be fluently bilingual. That is not the case. The requirement is that the person be functionally bilingual, and the definition of “functionally bilingual” is set out. She may also wish to be aware that 13 of the last 15 judges appointed to the Supreme Court of Canada have been functionally bilingual.

The motion that has been presented by her party does not refer to the Constitution. It does not refer to a convention. It refers to a custom. Liberals support the motion and agree with the custom and will respect the custom. She suggested that this has risen to the level of, as she said, a constitutional requirement, a constitutional rule, or part of the Constitution. I would be interested in her authority for that and in why it is not included in the motion.

● (1535)

Hon. Lisa Raitt: Mr. Speaker, the hon. parliamentary secretary knows full well that the Atlantic Provinces Trial Lawyers Association is going to be seeking clarification with respect to the level. I quoted Allan Hutchinson. I did not hear the hon. member quote anyone in asserting that this was not anything more than a constitutional obligation. I would very much like to see what his reference points are as well, because I provided mine on this one.

I would like to point out, with respect to the definition of bilingualism, that I take his point. It is true that it says very clearly in the mandate “functionally bilingual”. That is not my issue. I was pointing out the fact that two other people have come forward who have an issue with respect to this mandate. This is not a process that is embraced glowingly across the country, by any means. As a former Atlantic Canadian, and one whose heart is still there, I very much have a problem with the geographical exclusion, and I understand that Senator Sinclair and Chief Perry Bellegarde have a problem with the bilingual part of this.

[*Translation*]

Mr. Pierre Nantel (Longueuil—Saint-Hubert, NDP): Mr. Speaker, it is true that we have to get used to such new distinctions. I would first like to congratulate my colleague on her speech. I always recognize how honest and frank she is when she talks to an issue and expresses her views.

My colleague referred to Cape Breton, and I can say that, as Quebecers, the people of Longueuil—Saint-Hubert empathize and grieve with them because they constantly feel that their fundamental rights are ignored. There is still a pervasive feeling that there is often no respect for the differences that define us.

Business of Supply

Obviously, the Liberals opposite will have some difficulty seeing the logic in this motion. We know that with respect to the famous appointment of Justice Nadon in 2014, it took 50 years for Quebec's views and the recommendations on this position to be considered. Then, this summer, the government decided to deploy the troops and appoint this judge.

Does my colleague not agree that the Conservatives were sincere, although we did not often see eye to eye, while the Liberals made lots of big promises but ultimately ended up centralizing the power here on their side?

[English]

Hon. Lisa Raitt: Mr. Speaker, I appreciate the question and the sentiment. On this point, I absolutely have a commitment to ensuring that we get to the right place on it.

I would say this with respect to the reason we brought the motion, and it is important. When Mr. Justice Cromwell left, he spoke about this in an interview. The importance of having this debate in the House now about how to go about ensuring that the jurist who will be appointed to the Supreme Court has all the attributes we want, including one from Atlantic Canada, is that the minute the government indicates who its preferred candidate is, the debate becomes about the candidate.

We wanted to make the point that this is not about an individual. It may be a great person who comes out of this process, but the process is flawed. It takes into consideration things that should not be taken into consideration. As Peter Hogg said, "For a single, occasional, high-profile appointment, I do not think the government should be restricted to a short list developed by an advisory committee".

I think the full list should be available. I think it should be an Atlantic Canadian appointment, and I think we should have this discussion and a promise from the government before someone with a great name and a great background in this country is thrown into a complete mess.

Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC): Mr. Speaker, it is a pleasure to rise and contribute to the debate on this important motion. I want to congratulate my colleagues, our justice critic and deputy critic, for bringing this motion forward.

By way of context, I think it is worth reflecting on what an interesting day it has been here for our discussion on our national institutions.

We began our day with tributes to the member for Calgary Midnapore. I want to join members in paying tribute to his remarkable career thus far as a defender of the Conservative tradition and liberty and as an ambassador for that tradition to those who share our fundamental beliefs who have yet to join the Conservative family. Of course, he is also a passionate Canadian nationalist, and of particular importance to our discussion on this issue, a defender of our institutions.

During his speech today, the member for Calgary Midnapore spoke about the importance of our institutions and about Parliament in particular. He spoke of Edmund Burke, indisputably one of the greatest parliamentarians and philosophers in the history of the English-speaking world.

Burke's political philosophy, and our Conservative tradition that flows from it, centres on two interrelated ideas: intergenerational obligation and the fragility of civilizational goods.

On intergenerational obligation, I have quoted these words in the House before. Burke says, in *Reflections on the Revolution in France*, that:

...a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born. Each contract of each particular state is but a clause in the great primeval contract of eternal society...

It is because of our obligations to the next generation that we must preserve the integrity of our well-functioning institutions.

The second point, on the fragility of civilizational goods, reminds us that the goods of civilization cannot easily be restored once they are lost. We cannot so easily reach into our past and place our traditions back on the shelf if they have been broken and thrown down. Civilization in general, and our institutions in particular, are fragile things that are much easier to keep together than to put back together once they are broken.

It is with this understanding that we, as Conservatives, seek to conserve our best traditions. It is not to oppose change in all its forms. Indeed, Burke himself was sympathetic to the grievances of the American colonists, and he supported Wilberforce's efforts to abolish slavery. Some would have called these things radical in their own time, but they were much better understood as reforms that at the same time sought to preserve existing institutions and traditions. We can be reformers without being radicals.

The member for Calgary Midnapore earlier today passionately defended the value and integrity of Parliament as a genuinely deliberative body, a body that talks about things that matter and where words and votes actually mean something. I will come back to that.

Today we are debating a motion about the integrity of another institution, our Supreme Court, and especially of the traditions and customs that surround it. Here is what the motion says:

That the House call on the government to respect the custom of regional representation when making appointments to the Supreme Court of Canada and, in particular, when replacing the retiring Justice Thomas Cromwell, who is Atlantic Canada's representative on the Supreme Court.

This motion could not be more clear. It refers specifically to the custom of regional representation and the need to respect it. Surely, in any plausible interpretation, it could not mean anything other than appointing someone from Atlantic Canada to replace the retiring justice on the Supreme Court. I think any Canadian who read the motion and listened to our deliberations today would clearly understand what the motion is referring to.

We have a tradition of regional representation on our Supreme Court, but it is more than just something we have done in the past. I think it was a tradition developed with a specific understanding, with good reason, and with reasons that remain valid today. I will talk about what I see as four reasons why regional representation on the Supreme Court is important.

Business of Supply

● (1540)

First of all, diversity of representation is important. I think the government at least pays lip service to this principle and understands it in theory. I am going to talk about it a little as well and about the breadth of diversity it ought to entail.

When people are in an institution that is responsible for making or interpreting laws, be it here in Parliament or be it the Supreme Court, they are going to draw on elements of their experience. Their understanding of the way the world works is going to be shaped by what their lived experience is. I think that is fairly obvious.

A diverse body is therefore more able to draw on the diversity of human experience. It is able to draw on the different experiences people from different kinds of backgrounds have to understand what the social realities actually are and what the application of a particular law or the interpretation of the law will have.

That is why it is important to have diversity of representation, one of probably several reasons. Given the importance of our Supreme Court, that is why it exists on the Supreme Court. Again, I think at least some members of the government understand the value of this diversity, in theory. Certainly we hear it talked about quite a bit.

Second, I want to underline that regional representation in no way precludes other forms of diversity. We hear the government talk, as well, about a range of other kinds of diversity. There is absolutely no reason we cannot respect this tradition while also ensuring the diversity of our court along other dimensions. I think that includes cultural, religious, and ethnic diversity as well as regional diversity and intellectual diversity.

Intellectual diversity is a key element of diversity. It means people who have different kinds of opinions and different kinds of foundational world views. Again, regional representation does not preclude other kinds of diversity.

Third, regional representation is a particularly critical dimension of diversity. If there is a group of people who may be diverse in a range of different ways but are part of the same geographic community, they have opportunities, in spite of their differences, to learn from each other's differences frequently, one would hope, being in the same geographic area.

Those who are from different regions may not have the opportunity to develop an understanding of each other's different experiences, because not being in the same geographic location, they would not have the regular opportunity to brush up against each other and to learn from and hear about others' experiences. That is why regional representation is a particularly critical dimension of diversity.

Although people in a city in Ontario or western Canada may have an opportunity to learn from others within their community who are in some ways different, they may never have an opportunity to fully understand the lived experienced of those who are from Atlantic Canada.

Fourth, and I will touch on this point briefly, because I think it was explained very eloquently by my colleague from Milton, regional representation is part of the founding bargain of our country. Its specific application, and the broader principle of regional represen-

tation, was part of Canada coming together as different constituent parts to say that we will respect each region and each region's role in this country.

Disrespect for our traditions with respect to the court is clear in the approach being taken by the government in not respecting regional representation. We also see in their approach to this motion disrespect for Parliament. The Liberals said that they will vote for this motion, that they will "respect the custom", but that they will not necessarily appoint an Atlantic Canadian to the court, which is precisely what this motion says. That is obviously a contradiction in terms.

It is almost as ridiculous as saying that they will sign an extradition treaty with China while respecting human rights. It is a contradiction in terms. It is like saying they will create jobs while eliminating the small business hiring credit. It is a contradiction in terms.

We have spoken today about respect for this institution and all of our institutions, yet there is something clearly Orwellian about the way the government is approaching this conversation.

The government should have the courage of its convictions. If it believes in our traditions, then it should vote for them. If it does not, then it should vote against them. However, this is precisely the kind of thing that makes Canadians cynical about our politics, and they deserve better.

● (1545)

Mr. Sean Casey (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I want to pick up on the very last couple of comments made by my colleague opposite, in which he accused the government of being disrespectful of Parliament and of the court. I would ask him to hark back maybe a year or two with respect to the public spat between his former boss, Stephen Harper, and the chief justice of the Supreme Court and ask whether we should take direction from his side of the aisle with regard to respect for the court.

When the member talks about respect for Parliament, perhaps I could also ask him to hark back to the time during the office of Stephen Harper and tell us about the value of parliamentarians in this process, as set out for this appointment, as compared to the last one.

● (1550)

Mr. Garnett Genuis: Mr. Speaker, this really is real change from the member across the way, is it not? However, more seriously, we have heard the Liberals try to use this argument before. In question period, we essentially heard the Duffy defence from the government House leader, who said that the government was acting within the rules. However, I think Canadians expect respect for our institutions. That is what we have consistently provided as an opposition and what we are calling for in the context of this motion.

Business of Supply

I will not say that the previous government was perfect in every respect, but in the last year we have seen things like Motion No. 6, which went far beyond anything that was ever contemplated under the previous government. We have seen things like the invocation of closure on Bill C-14, on euthanasia, which is a deeply sensitive issue. There was no history under the previous government of bringing in closure on fundamental issues of conscience. That is very clear. In a very short time, the current government has come in promising so-called real change and has delivered—

The Deputy Speaker: Order, please. I am watchful of the time here. We only have five minutes.

Questions and comments, the hon. member for Timmins—James Bay.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, it has been absolutely fascinating. It is like looking at one of those funhouse mirrors. It starts out looking like a coherent picture and then gets more distorted as we look at the record.

The former government had a justice minister, former member Peter MacKay, who had more recalls than the Ford Pinto. He fought and gnashed his teeth at the Supreme Court. The mandatory minimums got struck down. Prostitution got struck down. The Tsilhqot'in First Nation, which it fought all the way, got struck down. Senate reform got struck down. Then there was its attempt to interfere on the nomination for the Quebec seat, Marc Nadon, who was not even technically eligible to sit, and Stephen Harper decided to pick a public fight with a Supreme Court justice.

Therefore, when I hear my hon. colleague say that it is about respect for the institutions, I am a little flabbergasted. I am sure people are having a great laugh at the Tim Hortons back home. However, as a credible line of argument, my friend has to give us a little more to work with.

Mr. Garnett Genuis: Mr. Speaker, I am sorry for going over time before, and I regret that I will not have nearly enough time to correct all of the errors in my hon. friend's question. I could go through some of the examples he mentioned. For instance, he mentioned the prostitution case and some of the other cases that were overturned by the Supreme Court when we were in government. He knows full well that those were not laws that were created by the Harper Conservative government. As an example, the prostitution law was hardly a law created by the Harper government and overturned. The issue of the Senate was a reference we had asked of the Supreme Court. Proactively seeking the input of the Supreme Court on an issue and getting an answer back can hardly be described as lack of respect for the institution in any plausible account of things.

Therefore, I would ask the member, if he takes these institutions seriously, to defend the institutions rather than poking these sorts of misleading political cheap shots.

We have an important job to do here on behalf of Canadians. We have an important job to do on behalf of those who send us here, which is to defend Parliament and its role as a legitimate deliberative body, to have serious arguments, and to respect Atlantic Canada and its role on the Supreme Court. That is what we are doing. I hope the NDP and the government are prepared to do the same.

[*Translation*]

The Deputy Speaker: Resuming debate. The hon. member for Sackville—Preston—Chezzetcook.

• (1555)

Mr. Darrell Samson (Sackville—Preston—Chezzetcook, Lib.): Mr. Speaker, I see that people in the House are finding it easier to pronounce “Chezzetcook”. That means they are saying it fairly often, and I thank you for that.

[*English*]

I must say that I am extremely happy to be here in the House after two and a half months of working in the constituency and having the opportunity to be with my constituents. It is good to be back, but I enjoyed my time back home, doing the real work for the people who elected us. That is where they are and we have to do that, of course.

Mr. Speaker, I want to mention that I will be sharing my time with the member for West Nova, as well.

I have been listening to the debate most of the day today. I do not know what to think anymore about the Conservative Party. In the last two or three days, its members are now, for the first time in 10 years, speaking about Atlantic Canada. I do not know if it was just because on October 15 they noticed that, my God, maybe they didn't do anything in Atlantic Canada, maybe they should think about doing something, maybe they should try talking about Atlantic Canada, and maybe they should try learning more about Atlantic Canada.

There we are. This is what is happening right now.

I can tell members that I and my 31 colleagues from Atlantic Canada have been working hard on many cases. This is just another one that we have been working on. The Atlantic growth strategy we are working on that is customized to make sure it is going to bring prosperity to Atlantic Canada in many ways is one; the infrastructure investment across this country and Atlantic Canada is another; the small craft investment is another one. Those are all big investments, tax cuts, etc. that we have been working on over the last six to nine months.

I am excited to talk about this topic because I want to make the contrast between the former government and our government. That is the objective of my presentation today. With the former government, there were a lot of things done, as my colleague mentioned a few minutes ago, that were not open and transparent; far from it. When I think back, I remember the former prime minister said he would not appoint any senators. Guess what? He appointed 57 of them. There were 57 partisan appointments made by his government.

What is happening here is that we have a government that is going to make some big changes to many of the practices that we have been under in the last 10 years—and by that, I am talking about the Supreme Court and the Senate.

As members know, the Liberal senators are independent. That was done by our leader before he was even Prime Minister. That is a clear sign of a path of openness and transparency.

Business of Supply

Let us talk about this new process. This new process speaks on three fronts. The first, of course, is the open and transparent one; the second is Canada's diversity; and the third is the merit base, which is extremely important.

The first one is openness and transparency. Qualified judges from across Canada can submit to become a Supreme Court judge. I believe, and we believe and we know, that there are many highly qualified Atlantic Canadian judges who would be in the pool used by the Prime Minister to choose the new Supreme Court judge. They can apply online, and the government of Canada is actively doing many promotions to invite as many qualified people as possible.

The second one is diversity. The committee must consider if we want gender parity; it must reflect diversity as far as linguistic, cultural, regional, and employment equity representation. That is the big piece of the Canadian diversity.

The third one is the merit base. That means the government will be doing everything it can to attract, as I said earlier, as many qualified people as possible.

[*Translation*]

I am so pleased to say that our Canadian government has acted on its promise to appoint bilingual justices. That is extremely important because lawyers had been unable to get their message across or argue their cases in the Supreme Court without the help of an interpreter.

• (1600)

That is no longer a problem, which is a significant victory.

Today's debate is primarily about the appointment of a justice from Atlantic Canada. Before I get into that, I want to underscore the excellent work that Nova Scotia's Justice Cromwell did for many years. I thank him for his work. The seat is vacant because he retired.

As we all know, this is not officially in the Constitution, which does state that three justices must be from Quebec. However, regional representation is essential and has long been upheld. It is of vital importance, and we must guarantee it.

The new justice must be from the same region because we can benefit from regional perspective, vision, and knowledge in such matters as maritime law.

[*English*]

Let it be legal culture. Let it be social culture. They need to bring that expertise and their competencies to the Supreme Court of course.

Our government respects this convention. It is taking this decision seriously. This process is simply creating an opportunity for Canadian judges to apply, and we encourage many of them of course. We are confident in Atlantic Canada. Many strong and qualified judges will surface through this process. By being selected through an open and transparent merit-based process will give them that much more legitimacy, which is important.

What does that mean? It means that our open process will allow them to function but it also means that the days of secret backroom deals, side deals, friends, rewards, are over. That is out. That cannot

happen through this process. That is pretty impressive. Our Canadian government expects better and will do better.

Of course, I am a strong advocate of the appointment of the next Supreme Court judge from Atlantic Canada, and I have every confidence that our Prime Minister and the Minister of Justice will find many qualified candidates and will make the right decision for Canada, for Atlantic Canada, and for the Supreme Court of Canada.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Mr. Speaker, I agree with the hon. member that Atlantic Canada has many eminently qualified jurists and lawyers to fill the vacancy of Justice Cromwell. That is why the Canadian Bar Association has criticized this process. It is why the Atlantic Provinces Trial Lawyers Association is challenging this process in court as we speak.

If the hon. member really does believe, as is the case, that Atlantic Canada has many fine jurists and lawyers, how is an Atlantic Canada member of Parliament able to stand by a process that could single out Atlantic Canada by leaving Atlantic Canada as the only region in Canada without representation on the court?

Mr. Darrell Samson: Mr. Speaker, a process that is open and transparent is the right process to have. When we have the qualified people we have, there is no question that we are going to find a qualified jurist from Atlantic Canada. We are going to be successful in doing so.

Sometimes change scares people. This government is an open and strong government for making sure that the changes that are required are made. This system will allow our jurists to come through with an Atlantic Canadian judge.

• (1605)

[*Translation*]

Mr. Robert Aubin (Trois-Rivières, NDP): Mr. Speaker, I thank my colleague from Sackville—Preston—Chezzetcook for his speech.

I must say that I cannot get a certain Adam Dodek quotation out of my head. He said that the process for selecting a new Supreme Court justice appears more complicated than the secret process for electing a new pope.

It goes without saying, of course, that I support this motion in principle. However, I cannot help but think of the Conservative appointments. Since we now have a new government, I am reminded of this new concept of functional bilingualism. If I understand the concept correctly, one can be recognized as bilingual without speaking French. That is completely absurd. The devil, as they say, is in the details.

Should we be afraid, for instance, that Atlantic Canada will be represented by its kissing cousins from next door, or by someone who married someone? Will the rules be clear, as the rules on bilingualism should be? Someone who is bilingual must be able to hear a case in French and converse with the lawyers in French.

Mr. Darrell Samson: Mr. Speaker, I thank my colleague for his question.

Business of Supply

It is worth noting that in our old system, no one was bilingual. It was impossible. We are therefore proposing candidates who can speak French, who have a good level of written and oral comprehension, and who can get by in the language in question.

What is relevant is that we are making progress once again. There is nothing to fear. We are going forward where the previous government would not, and this shows that we are much more open.

[*English*]

Mr. Mel Arnold (North Okanagan—Shuswap, CPC): Mr. Speaker, the motion was put forward to confirm that Atlantic Canada would have representation on the Supreme Court. The intent of that motion was very clear. Government members on the opposite side of the House today have spoken in support of the motion. In fact, the Minister of Justice has also said that she will be supporting the motion as it moves forward.

We want to be really clear. Does this mean that the Prime Minister will appoint a judge from Atlantic Canada or not?

Mr. Darrell Samson: Mr. Speaker, I will be supporting the motion. I know that based on the information that this side of the House has provided the Prime Minister will make the right decision and we will have very qualified candidates to choose from. I am confident this is what will happen.

Mr. Colin Fraser (West Nova, Lib.): Mr. Speaker, it is really a pleasure to rise today in support of the motion proposed by the member for Niagara Falls. I have the pleasure of serving with that honourable gentleman on the Standing Committee on Justice and Human Rights, and I very much respect his long service in the House and also to Canada.

At the outset, I want to sincerely thank the Hon. Mr. Justice Thomas Cromwell for his service to Canada and also for being an excellent lawyer, law professor at Dalhousie law school, and judge of the Nova Scotia Court of Appeal and finally the Supreme Court of Canada. He is an extraordinary jurist with common sense and the common touch. He certainly has done Nova Scotia very proud, and I wish him much health and happiness in his well-deserved retirement from the Supreme Court of Canada.

Of course, his retirement as of September 1 means that a new judge of the Supreme Court of Canada will be appointed. This impending retirement is what has prompted the new process as well as the debate in the House today, and I welcome that debate.

I would like to outline my connection and interest with regard to this matter in particular. I am a lawyer from Nova Scotia and I am on the justice committee as well. I was called to the Nova Scotia bar in 2008 and practised law in my hometown of Yarmouth, Nova Scotia, until I was honoured with the confidence of the people of West Nova on October 19, 2015. In my practice, I worked both as a barrister and as a solicitor and had the opportunity to argue cases at all levels of courts in Nova Scotia. I also had the occasion while articling to assist on a case and actually attend at the Supreme Court of Canada. It was a matter involving a lobster-fishing licence and its nature as tangible property. Clearly that was a case that mattered very much to the region of Atlantic Canada, and it was important that there was knowledge on the Supreme Court of Canada with regard to the different regions that were implicated.

I also served as president of the Western Counties Barristers' Society, and had the opportunity in such capacity to represent members of the bar and also to get to know members of the bench and their impeccable qualities both as jurists and as people. I am incredibly impressed by the calibre, hard work, and dedication of the judges in Nova Scotia. I also know from my colleagues across Atlantic Canada that our judges and jurists are as good as any in Canada, and of course Canada has one of the most respected judiciaries in the entire world. By extension, I have no doubt that there will be excellent applicants from Atlantic Canada for consideration in the new process. Of course the new process requires that the independent committee have at least two jurists from Atlantic Canada be considered for the appointment.

I certainly support that an Atlantic Canadian be selected as the next member of the Supreme Court of Canada. However, why did we need a new process? It is an excellent process that we have instituted, that this government has brought forward. It is independent. There is an advisory board, which is led by a former Progressive Conservative prime minister, Kim Campbell. She has the respect of this side of the House in doing a good job. I believe it shows some question on the current Conservative Party's judgment to not have confidence in the independent advisory board that is led by a former prime minister who was a Progressive Conservative.

The reason that we need a new process, though, is pretty clear. The former government had a process that lacked transparency and lacked the confidence of Canadians. The appointment and the mess they made of the appointment of the Supreme Court justice, when they advanced Marc Nadon, became an absolute distraction from the work of Parliament and an absolute distraction from the good work of the Supreme Court of Canada.

In fact, former prime minister Harper and his government called into question the integrity of the Hon. Chief Justice Beverley McLachlin. This was uncalled for. This was dangerous to the independence of the judiciary, and in doing so, tried to undermine one of Canada's fundamentally most important institutions to our democracy and the reputation of a person whose integrity, professionalism, and honour are beyond reproach.

Further, the Conservatives undermined confidence in the court itself by introducing private member's bills that sought to get around the charter certification here in Parliament as well as introducing pieces of legislation and passing them with their majority, knowing that they did not meet the constitutional provisions of the charter. The level of hypocrisy that we are hearing today from the other side of the House, in saying that the Liberal Party does not respect the integrity of the court, is quite simply laughable.

Business of Supply

●(1610)

Why will the new process carry the confidence of Canadians? Here is why. It is because it is inclusive and requires functional bilingualism to be considered. We know that 13 of the last 15 appointments to the Supreme Court of Canada have been bilingual jurists and that is now considered the norm in appointing judges to the Supreme Court of Canada. This would ensure that the process chooses someone who is functionally bilingual, which is important because there are nuances in the law. Canada has two official languages, English and French. It is important for people who appear before the Supreme Court of Canada to have confidence that they can speak either official language of this country and the nuances of the law will be understood.

The process also seeks diversity, lends itself to confidence through its independence, and also ensures that judges of the highest calibre in this country are appointed. Almost all of the recent appointments, as I mentioned, have been bilingual, and it reflects the functional bilingualism that is important to Canada being officially bilingual.

Over the past number of years, we have seen growing diversity on the bench and bar across Canada. We need to continue to appoint excellent jurists at all levels, including superior courts in the provinces, which will develop a broader, more diverse pool of judges to select for the Supreme Court of Canada. This process is a starting point to ensure not only that judges will have the requisite level of experience and knowledge on the lower courts but that they will be well positioned to merit the seat on the Supreme Court of Canada.

We have seen and must continue to strive for diversity in our law schools, but ultimately, diversity among those on the bench will not only properly reflect Canadian society, but most importantly, encourage more people who have not traditionally been represented as jurists to get into the profession of law, which is so fundamental to our democracy and systems here in Canada.

On the custom of regional representation, I have heard, time and again, the argument made today that Atlantic Canadian MPs are not standing up, that we have been silent on the issue with respect to this new process. I am a member of the justice committee, as I mentioned, and on August 11 I had the pleasure of the justice minister appearing at committee. This was brand new. It was the first time that a minister had done so in contemplation of answering the questions of parliamentarians about the new process.

I had the pleasure of welcoming the minister, along with my committee colleagues, that day, but I also clearly stated that the custom of regional representation has served Canada well as a country. I was not silent that day. I said that this is an important custom that must be respected. The motion today asks for that support and that is why I am proudly supporting the motion. However, it is also important to reflect Canada's regional diversity, which is what the new process is all about, respecting and reflecting the diversity not only of regional representation but of bilingualism, of diversity, and of indigenous peoples being appointed to the court.

The Conservatives attempted the narrative recently that standing up for Atlantic Canada is something they are doing and that the 32 Atlantic MPs are not doing. Stephen Harper infamously said that Atlantic Canada had a culture of defeat. We saw a culture of defeat.

It was the 32 seats in Atlantic Canada that defeated the Conservatives in the last election.

That was because the Conservatives had disrespected Atlantic Canada during the 10 years they were in government, renegeing on the Atlantic accord, making EI changes that were unfair, slashing funding for cultural heritage such as the Acadians and our official languages, disrespecting veterans, not considering Atlantic Canada when the health transfers were changed, and a lack of respect for the environment. The Conservatives will have to excuse Atlantic Canadians for finding their new-found interest in Atlantic Canada a little insincere.

●(1615)

On the other hand, Atlantic Canadian MPs have been hard at work representing their constituents, working together to advance an Atlantic growth strategy, which includes innovation, immigration, tourism, and supporting small business.

I will stand up for Atlantic Canada, and most particularly for West Nova, every single day of the week, not just on this issue but on all issues. I have done so at committee and will do so again, along with all of my colleagues.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Mr. Speaker, I want to acknowledge the member for West Nova with whom I have had the privilege of working and serving on the justice committee.

I found it a little ironic that the member for West Nova referred to Chief Justice McLaughlin, because under this deeply flawed appointment process, Chief Justice McLaughlin would have been disqualified at the time she was appointed by former Prime Minister Mulroney.

I want to ask the member how he squares the appointment process with the pronouncement in the Nadon decision, wherein the court said that Parliament—and in this case today, it is the executive branch—was seeking to unilaterally overturn a convention going to the composition of the courts. The Supreme Court in Nadon said the federal government does not have jurisdiction to do that. How does he square the process with the Nadon decision?

●(1620)

Mr. Colin Fraser: Mr. Speaker, I appreciate my hon. colleague's question, and I certainly serve with him on the justice committee and respect his thoughts.

With regard to the process we have laid out, it is an inclusive one that includes Parliament. In fact, we had the Minister of Justice come before our committee of Parliament to answer questions. There will be a further opportunity to question former, who leads the independent advisory board. She will come before our committee and answer questions about the new process.

Let us compare it to the former process. That former process was done in secret, was not transparent and did not carry the confidence of Canadians. I am confident that this new system will have the confidence of Canadians and serve Canada well for many years to come.

*Business of Supply***ROUTINE PROCEEDINGS**

[English]

2017 CALENDAR

Mr. David de Burgh Graham (Laurentides—Labelle, Lib.): Mr. Speaker, if you seek it I think you will find unanimous consent for the following motion:

That, notwithstanding Standing Order 28 or any other usual practice of the House, the following proposed calendar for the year 2017, known as Option G, be tabled and that the House adopt this calendar.

The Deputy Speaker: Does the hon. member for Laurentides—Labelle have the unanimous consent of the House to propose this motion?

Some hon. members: Agreed.

The Deputy Speaker: The House has heard the terms of the motion, is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed

(Motion agreed to)

* * *

COMMITTEES OF THE HOUSE

GOVERNMENT OPERATIONS AND ESTIMATES

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if you seek it I believe you would find that there is consent for the following motion:

That in relation to its study on Canada Post, seven members of the Standing Committee on Government Operations and Estimates be authorized to travel to Surrey, British Columbia, Edmonton and Calgary, Alberta, Yellowknife, Northwest Territories, Moose Jaw and Regina, Saskatchewan, and to Winnipeg and Scaterbury, Manitoba, in the fall of 2016, and that the necessary staff accompany the committee.

The Deputy Speaker: Does the hon. parliamentary secretary have the unanimous consent of the House to propose this motion?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to)

GOVERNMENT ORDERS

[English]

BUSINESS OF SUPPLY

OPPOSITION MOTION—APPOINTMENTS TO THE SUPREME COURT

The House resumed consideration of the motion.

The Deputy Speaker: We will continue with questions and comments. The hon. member for Timmins—James Bay.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I was a little surprised when I heard my hon. colleague talking about how the government respects the jurisdiction of the court, when last

week the Minister of Justice filed a motion in Ontario Superior Court to overturn a decision by Justice Perell regarding the payment of compensation to a residential school survivor in Spanish, Ontario.

We remember when the Prime Minister made a solemn promise that his government would stop fighting indigenous families and survivors in court, but it has applied the same brass knuckles principle.

Justice Perell of the Ontario Superior Court of Justice found what he called a “perverse” misapplication of justice for a boy who was raped by a priest. Nobody argued that, but he could not remember the date he was raped, and Justice Perell ordered compensation.

To have the Minister of Justice, whom I do not hear very often speak on any of the issues under her watch, undermine the Prime Minister and use her authority to challenge an Ontario Superior Court over a payment to a victim of rape in a residential school I find absolutely shocking.

I ask my colleague how that government can say it represents anything decent and different from the last government if the Minister of Justice uses her powers to fight residential school survivors over such horrific acts they were subjected to.

I would like to hear an answer as to why the Liberals are using the courts to fight the survivors.

Mr. Colin Fraser (West Nova, Lib.): Mr. Speaker, it is quite clear that the government has taken the issues of indigenous peoples in this country extremely seriously. We have met and consulted with first nations right across the country and put record investments of \$5 billion into the education of people who need it. With regard to the Minister of Justice, she works closely with the Minister of Indigenous and Northern Affairs. They will do the right things for Canada's first nation people. On this side of the House we are committed to getting it right for first nations and we will do exactly that.

The Deputy Speaker: It is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for South Okanagan—West Kootenay, Post-Secondary Education; the hon. member for Regina—Qu'Appelle, Ethics; and the hon. member for Sherwood Park—Fort Saskatchewan, Foreign Affairs.

● (1625)

[Translation]

Mr. Jacques Gourde (Lévis—Lotbinière, CPC): Mr. Speaker, I will be sharing my time with the hon. member for Calgary Shepard.

I have the privilege to rise today to speak on this day when thousands of Canadians, especially Atlantic Canadians, are wondering what to make of this Prime Minister's plans to break with the tradition set out in the Constitution Act, 1867 and the Supreme Court Act, both of which govern the appointment of Supreme Court justices.

As we know, one thing sets Canada apart from the rest of the Commonwealth. Like the other 52 countries, we practise common law, a legal principle built essentially on case law, but we also have the Civil Code of Quebec, a legacy of our French tradition.

Business of Supply

These two justice systems set Canada apart on a number of levels. Internationally, Canada stands out for the quality of its legal experts in various fields of international law, including maritime law. That is why the Supreme Court Act provides that Quebec have at least three seats at the Supreme Court.

Having said that, I would like to point out that the Université de Moncton, in Atlantic Canada, is the only Canadian university where the entire common law degree program is taught in French. That is quite something. We must recognize and respect this unique expertise in today's debate because Atlantic Canada's excellent resources and jurists have made Canada's justice system an international model that is envied by all.

Under the Supreme Court Act, at least three of the Supreme Court justices must be from Quebec; by convention, three justices are from Ontario, two are from the west, and one is from the Atlantic provinces.

Given that the Liberal members are supposed to ensure that we comply with the legislative framework for the Supreme Court, it is surprising and even worrisome to see that, to date, those members who should proudly and dutifully look after the interests of the people of the Atlantic provinces have been silent; the people of these provinces will remember their silence.

Since coming to power, this government has spouted rhetoric and claimed that it is transparent. However, I believe that it has a very elastic conscience when it comes to making decisions and being rigorous about upholding the law. The law, ethics, fairness, responsibility and, above all, moderation, are no longer the predominant values of this government.

The process for appointing justices to the Supreme Court is very rigorous. I had the privilege of participating in it in the past. The process must not only comply with the Constitution Act, 1867, and the Supreme Court Act, but it must also be non-partisan and highly confidential. The panel must give the Prime Minister a short list of candidates who are most qualified to be a justice of the Supreme Court of Canada.

Obviously, it would be better if there were a lot of candidates from the Atlantic region in the next process. For the reasons I gave earlier, I believe that Atlantic Canada can give the Supreme Court a top-notch bilingual judge, who will not only be proficient in both official languages, but will also understand the nuances of expression and interpretations of common law in French.

• (1630)

This session of Parliament has just begun and we are already seeing that this government has not made any significant decisions since it took office almost a year ago. Even worse, this government is behaving like the grasshopper and having fun all over Canada and elsewhere in the world at the expense of Canadian taxpayers.

There have been many spending scandals: exorbitant relocation expenses of \$200,000 for the chief of staff and the Prime Minister's best friend, limousine and room rentals for the work of certain ministers at prices that are just as exorbitant, and of course, the billions of dollars in debt that this government is unfortunately going to leave to future generations.

In passing, the Liberals are spending money that does not belong to them and one day it is going to run out.

Does anyone really believe them when they say they are non-partisan and transparent?

What if MPs from the Atlantic provinces hold little sway with their government, or not as much as they might have expected? What if the Prime Minister defies the law and fails in his duty to appoint a justice from the Atlantic provinces? How much will Canadian taxpayers be on the hook for if the Supreme Court of Canada, the highest court in the land, ends up having to rule on what the Liberal government is about to do? What a disgrace.

This government does whatever it pleases. That is a perversion of our democracy and our legislative system. We urge the Liberal government to show some respect, to continue selecting justices from among the most talented and experienced people on the benches of Canadian courts, and to fill vacancies in the highest court in the land, the Supreme Court, in keeping with the two laws I mentioned that govern the process, the Constitution Act, 1867, and the Supreme Court Act.

I am sure that, right now, there are many people who, like the members on this side of the House, are watching the Liberal government's every move. We hope that the Liberals will show some respect for the laws that ensure order and stability in Canada, not to mention for the 32 Liberal members from the Atlantic provinces, so as to maintain public confidence in an institution as important as the Supreme Court of Canada.

[English]

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I have listened to a great deal of the debate. One thing that really needs to be highlighted is the fact that with the new Prime Minister and government, we have given a very strong vote of confidence in the Supreme Court of Canada and the process. The process is something in which I believe Canadians want to see, one that is fair, transparent, and more accountable. We committed this to Canadians in the last election. In fact, we are materializing on that commitment.

Would the member not, at the very least, acknowledge individuals such as Kim Campbell, the former Progressive Conservative prime minister of Canada, who chairs the committee that reviews the applications? Does the member not believe that she, among the other committee members, are doing a fine job in ensuring that Canada gets the best in terms of the Supreme Court of Canada?

• (1635)

[Translation]

Mr. Jacques Gourde: Mr. Speaker, I thank my colleague for his question.

I think that the committee has a huge responsibility. I want to congratulate all the members of that committee. They must show a great deal of discretion in their work and do everything in the strictest confidentiality, to ensure that the candidates proposed are properly assessed and characterized.

Business of Supply

From what I understood of the process from the minister's explanation this morning, the committee must provide the Prime Minister with a short list. We were not told whether that means three names or four names, but from that list, the Prime Minister must eventually select a new Supreme Court justice. I hope the committee members will be able to do a good job.

Mr. Robert Aubin (Trois-Rivières, NDP): Mr. Speaker, I am always pleased to hear my colleague from Lévis—Lotbinière speak. Like new wine in an old bottle, it seems to me that we are hearing a new Conservative voice—or voices.

In the case of many past appointments, whether they were appointments of officers of Parliament or judicial appointments, we were often told that the best people for the job had been chosen, despite the fact that they were unilingual anglophones, and that they would learn French as soon as possible.

Do I understand what I am hearing today correctly, namely that the next justice appointment should be based on what is known in mathematics as the intersection? The individual selected will need to have the professional skills required, which goes without saying, as well as be truly bilingual, not just functionally bilingual, in my view, and be able to fulfill regional representation requirements and Canadian diversity requirements.

Are we looking for someone whose resumé checks all four boxes?

Mr. Jacques Gourde: Mr. Speaker, I thank my colleague from Trois-Rivières for that interesting question.

Yes, I believe that the next Supreme Court justice should come from Atlantic Canada. It is so obvious, especially considering that Atlantic Canada has its own unique characteristics and potential candidates that would enrich the bench of the Supreme Court of Canada. That is not trivial.

In Atlantic Canada a study program in common law, an English system, is offered in French. This is unique in North America. The courses are taught by the best professors in the world. In fact, a professor from France comes every year to teach a part of the program that is not offered by any professors in Canada. This is quite valuable and shows that Canadian legal experts are among the best in the world in a number of areas.

Mr. Tom Kmiec (Calgary Shepard, CPC): Mr. Speaker, I thank the hon. member for Lévis—Lotbinière for his remarks. I am proud to sit in the House with him. I have known him for years, since I was a staffer for another member here in the House today, the hon. member for Bellechasse—Les Etchemins—Lévis.

[*English*]

I have been listening to debate since this morning. I listened to the minister and interventions of all members of the House. The member for Charlottetown had interesting points to make. I especially appreciated the interventions from the member for LaSalle—Émard—Verdun, who intervened as a former law clerk and gave his impressions of what the motion meant. The member who is a proud Acadian from Nova Scotia also made contributions.

I look at the wording of the motion and specifically what it means to vote for the motion. Part of the motion says that the government

should respect the custom of regional representation when making appointments to the Supreme Court of Canada.

When we vote in the House, our vote is important. I travel through my riding and I go to different schools. I tell students about how we vote, why we vote, and how it is recorded. I also speak to men's and women's groups at different churches. I tell them there is no such thing as a free vote, that every vote has consequences.

John Pepall, a journalist and an associate professor has written a great book against reform on this, saying that there is no such thing as a free vote, that every vote has a consequence, and that something comes out of it. If members of the government are to vote for this motion, especially the 32 members from Atlantic Canada, they have to ensure that the person who is appointed to the Supreme Court to fill Justice Cromwell's position is from Atlantic Canada. If they are to vote for respecting the custom, they have to therefore assure themselves that an Atlantic Canadian will fill the seat. By the very definition, they are agreeing with the custom by voting for the motion. They cannot have it both ways.

They cannot quibble about the definition between custom and convention. Many law associations and organizations have referred to this matter as a convention. At this point, the difference between the two is a matter of legal debate, which is why the government could have gone about this in a totally different way. It could have tabled a government bill and said that this is how Supreme Court justices would be appointed and these are the series of criteria to be used, and then decided that regional representation would not be as important. It would be one criterion among many, instead of the main criterion, with all these other ones we would seek to fulfill as well.

The government has not done that. What it has done instead is a semi-transparent process, kind of a secret process. It will go to the Prime Minister. He will make the decision in the end and then submit his recommendation to the Governor General, who will then obviously make the decision based on what the Prime Minister tells him to do.

Regional representation is just part of the deal when Canada was made. Most of our institutions in this place identify with regions of our country. As a proud Franco-Albertan, it is important to respect those institutions, where Parliament was formed and how Confederation was formed. Therefore, respecting the custom means that the vote here will mean something. It has to mean something. It is not free; it has consequences.

The Liberals could say that on the basis of diversity, they will try to fulfill a series of criteria. They have laid out some of the criteria they would like to fulfill. However, they could also choose someone who, at the end of the day, fulfills as many of these criteria but who is from Atlantic Canada. Why not appoint a Newfoundlander to the court? There has never been a justice from Newfoundland. It is up to the government to find a person with sufficient legal experience, with a great legal mind who could fulfill the criteria of the courts.

Business of Supply

The Prime Minister's new process does not guarantee that at least one justice will be on the court. There have been two exceptions to the custom, and it is true, but two exceptions do not prove the rule when there have been so many justices appointed to the court. If at least one hails from Atlantic Canada, then it would have fulfilled the requirements of the custom, and the custom eventually becomes a convention.

If the Prime Minister were to appoint a replacement for Justice Cromwell from outside Atlantic Canada, it would leave the court without Atlantic Canadian representation, and who knows for how long. When the next justice comes up for retirement, the government may or may not. It is unclear. If this were a case of Ontario losing a member for maybe one, two, or three years, perhaps a case could be made for it. However, Atlantic Canada only has one justice on the court. I am sure if it were an Alberta or western justice stepping down, we Albertans would be saying, as much as possible, that someone from our home province should be appointed, or another westerner to fill that spot.

● (1640)

The only area that has a legal requirement for a certain number of justices on the court is Quebec, as of now, for now, because one has to be a member of the Barreau du Québec to be appointed.

Having listened to all the debate so far, I want to continue something I have been doing in this House since the beginning. I have a Yiddish proverb that I want to share with this House: if you repeat often enough that you're right, you will discover you're wrong.

The Liberals have been repeating this mantra that they will respect diversity, they will vote for this motion, they will respect the custom, but they will not guarantee that an Atlantic Canadian will actually be appointed to the court.

If they are going to vote for the motion, saying they respect the custom, but they are not going to guarantee that they will respect it and actually appoint someone from Atlantic Canada, then why are they voting for the motion? They should vote against it. Obviously, the custom does not matter, in this particular situation. They are free to do that. That is a choice the government is making. That is perfectly all right. We will disagree on it. We will vote on opposite sides. They, surprisingly, have more members than we do, so I assume that the motion would then fail, but they have that choice. They can make that choice by choosing not to. They want to have it both ways. They want to say one thing and do something else completely different afterward.

As long as I have lived in Canada, since my family came here in 1985, that has been pretty typical of most Liberal governments: say one thing, promise one thing, do something completely different. However, to do it on the floor of the House, to vote one way with absolutely no intentions of fulfilling or going through with it, to pretend that they respect the custom and do something else different, that reaches a totally new level. That is not something I have seen.

The *Cape Breton Post* had an editorial that I thought was fantastic. The header says, "We don't lack diversity", and it goes on to say, "[the Prime Minister] has no excuse for excluding Atlantic Canadians from Supreme Court of Canada appointments".

It goes pretty far. It says they are being excluded. I am not going that far. I am not saying they are being excluded. However, I am saying that the position, the posting, belongs to an Atlantic Canadian, to respect the institution of Parliament, to respect the traditions and the history, where we came from, where this country came from.

If regionalism is no longer a valid goal to meet the diversity needs, the government should say that. Again, it could propose a piece of legislation where it says that regionalism is now one criterion among many to be considered for a government appointment.

Then, what type of diversity requirements do we want to be met, and how are we going to order them or prioritize them? Are we going to have 30 different things we want, or are there going to be three, four, five, or six? Which ones are the most important ones?

Those are decisions the government has to make, but we can critique them.

Over time, if successive replacements to the court take on a certain style, they become conventions—or they will, first, actually become customs and then, later, conventions, depending upon how long they continue.

The government could have moved, again, as I mentioned before, a government bill on this. It could have done that. It has had a year to move legislation on it. It has known the retirement was coming. It is not a surprise. It is not as if this came out of the blue. So, it could have moved a government bill to propose how our appointments will proceed. It could have done it at that point.

Some members have referred to the Nadon decision. It came down a certain way. Nadon was disqualified from sitting on the Supreme Court, but the court said that Parliament does not have a unilateral right to change the composition of the court. Today, it is the executive making that decision, which is equally wrong. If Parliament cannot make that choice, then neither can the executive. It should be a constitutional amendment, therefore.

I really think that preserving the seat for Atlantic Canada is, again, a recognition of where Canada has been and where we are going: to continue respecting that regional representation.

● (1645)

[*Translation*]

The Liberals are promoting a concept of diversity that seems to exclude the regions. It appears that the regions are no longer important. As Conservatives, we are keen on all of our country's parliamentary conventions and traditions. The Supreme Court of Canada is an institution that, like Parliament, should reflect regional diversity to reflect our country. That is the purpose of the convention, and I believe that the integrity and constitutional validity of the Supreme Court will be compromised if a candidate from Atlantic Canada is not selected.

[*English*]

I will just finish with a quote from Ray Wagner, in French. He says:

Business of Supply

[Translation]

It raises questions of regionalism, which are very important to Atlantic Canadians and their participation in Confederation. The problem is that we will get swallowed up by larger population areas that get appointments—and we get forgotten and somewhat marginalized.

[English]

This is the spokesperson for these trial lawyers from Atlantic Canada who are now pursuing a court case.

Therefore, I believe that if the Liberals are going to be true to themselves, they should actually vote against this motion, because they obviously do not believe in this custom.

Mr. Sean Casey (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, with the last comment from the member for Calgary Shepard, I am a little confused. I would have thought that the objective of his speech would be to solicit support for his motion. Now he is encouraging us to vote against it. However, we fully intend to support the motion.

One of the other things he said was that, while we respect the custom of regional representation, we have no intention of fulfilling it. He must have had some conversation with the Prime Minister of which I am unaware. At no time that I know of has the Prime Minister ever said that he has no intention of carrying out a full measure of respect for the custom of regional representation.

I do agree with one thing the member said. He specifically said that there is only one situation where there is a legal requirement and that is in Quebec.

However, the question I have for the member is on his reference to a secret process. I would invite him to offer comment on the role that parliamentarians have in the process of the nomination of a Supreme Court judge, and to compare the role that parliamentarians are being assigned in this process to the one they had in the last one.

•(1650)

Mr. Tom Kmiec: Mr. Speaker, for me, it really comes down to the cost of the regionalism and the role of Parliamentarians in appointing or playing a role in who becomes the head of the Supreme Court or who joins the Supreme Court. We can all make recommendations. It is as simple as writing a letter and sending it to the Prime Minister.

Again, I am soliciting members to vote their conscience and vote the way they are actually intending to act, because we are all responsible for our voting record here. It is what we are going to take back to our constituencies and explain to our constituents, the residents and voters of our riding.

I will not vote for things if I cannot explain myself to my constituents why I did it. I also do not intend to vote for something and do something completely different afterwards. If I believe in this custom, which I do, I will vote for the motion.

What I am asking the member and his government to do is to stay true to themselves. If they intend to follow through with the custom, then they should vote for it and then say so publicly and commit to appointing an Atlantic Canadian.

Mr. Daniel Blaikie (Elmwood—Transcona, NDP): Mr. Speaker, I listened with attention to the speech of the member for Calgary Shepard. I appreciate the contradiction that he has identified between

the government members saying on the one hand that they respect the custom, but when pressed, not being willing to guarantee that they will in fact ensure that Atlantic Canada has a seat on the Supreme Court.

One of the reasons for this glaring silence seems to be that all of the members representing Atlantic Canada come from the governing party. I will not speak for other parties, but I am sure that, if we had a New Democrat representing a riding in Atlantic Canada, that member would be standing up and demanding that there be a judge from Atlantic Canada on the Supreme Court. However, through the perversity of the first past the post system, even though the Liberals did not get 100% of the vote in Atlantic Canada, they got 100% of the seats.

I wonder if the member would agree that this very debate is one of the reasons why we need proportional representation in Canada.

Mr. Tom Kmiec: Mr. Speaker, I thank the member for the question, but I do not know how pertinent it is to the matter at hand. Maybe we should start a series of consultations to make the government feel more comfortable and then table something for the Liberals to consider. It could be called consultocracy.

I have great respect for Parliament, and our system of electing members of Parliament has worked for us for many years. Mostly, it has been Liberal governments that have been elected under the single member plurality system, but even our colonial Parliament had the same one. However, that is not the matter before us here. It is really the question of whether the Liberals will stick to the custom and actually appoint an Atlantic Canadian.

I believe they should, because I would like to see this custom become an actual convention. I would like to really avoid this matter going before the Supreme Court for consideration, and it then ruling against the government after it has appointed a judge who may not be from Atlantic Canada. I think that would call the entire process into question. Again, it would be shameful if it led to the Supreme Court having to decide who may or may not sit on the court, once again.

[Translation]

Mr. François Choquette (Drummond, NDP): Mr. Speaker, I will be sharing my time with the member for Abitibi—Témiscamingue.

I am pleased to rise in the House today to talk about the appointment of Supreme Court justices, an issue of such importance that I even introduced a bill calling for these justices to be bilingual. I will have the opportunity to talk about that in my speech.

The motion calls on the government to take into account regional differences when appointing judges to the Supreme Court and to respect the custom of regional representation. I think that everyone in the House of Commons agrees with that, myself included.

The announcement that the Prime Minister of Canada made this summer caused much disappointment. Of course, we are happy that a committee has been set up to analyze judges' legal expertise and to ensure that they are bilingual and that they fully understand both official languages. Everyone was very pleased and the Prime Minister's announcement was met with praise on all sides.

Business of Supply

However, my leader, the leader of the NDP, went to the Standing Committee on Justice and Human Rights to ask the minister what it means to be a bilingual judge. Does it mean that the judge can speak both official languages? The Minister of Justice vaguely answered that she did not know exactly what it means and that it may mean being able to understand but not necessarily speak both languages. That is very disappointing, and it is not at all the bilingualism that we expect of a Supreme Court justice.

We are very concerned about the Minister of Justice's response. I hope that the Parliamentary Secretary to the Minister of Justice will address this situation, because it is unacceptable. We must consider what the Commissioner of Official Languages asked for. He asked that justices have the language skills required not only to understand French and English and to speak these languages, but also to understand the legal terminology every Supreme Court judge should master.

Like the Conservatives, we believe that customary regional representation must be maintained, and that is why we are talking about the Atlantic provinces now. We also believe that judges must be bilingual and that there should be legislation to that effect. I will talk about that shortly. Most importantly, this government must not make the same mistakes the Conservatives made.

Unfortunately, two unilingual anglophone justices were appointed. Other blunders included appointing a unilingual anglophone officer of Parliament. The Liberals made similar mistakes, such as appointing a unilingual anglophone House leader and a unilingual anglophone Speaker of the Senate. The Liberals have had their share of problems and have not always made the right choices.

That is why I want to talk about my bill, Bill C-203, which would amend the Supreme Court Act and introduce a new requirement for judges appointed to the Supreme Court to understand both official languages in accordance with the language skills criteria defined by the Commissioner of Official Languages.

This is extremely important because, when it comes to appointing Supreme Court justices, regional representation is certainly a factor, but we must not forget that, under the Official Languages Act, both languages have equal status. Neither is superior to the other; both are equal.

In our courts, particularly in the highest court in the land, it is to be expected that both official languages should be equal, but that cannot happen if the judges are not bilingual.

We have heard stories, and I am going to share one with you. This really happened, and it is disturbing.

● (1655)

A few years ago, a justice began making his argument in French before the other justices present. The presiding Supreme Court justice suddenly asked him if he could slow down because the interpreters could not keep up. I should point out that one has a limited amount of time to present one's argument. If justices cannot present their arguments at a normal, regular pace, or if they have to slow down, of course this can be problematic.

The interpreters do a wonderful job. I want to commend their work, because I know we also have interpreters working in the

House of Commons. We also did a study on the Translation Bureau, and I want to emphasize that the bureau as a whole is doing an excellent job, much like our interpreters. However, as the name states, there can at times be some interpretation of what is said. They do the best they can to interpret the message properly, but it cannot be a word-for-word translation of every point in every sentence. In any case, that would not make sense. Interpretation is a magnificent art, but of course it is the art of interpreting the message.

When faced with something as important as any matter before the Supreme Court of Canada, that is, something of such gravity and critical importance to the entire country, there is no room for even the smallest mistake or tiniest difference between what is said and how it is understood. That is why it is extremely important that all justices understand both official languages.

I want to point out that I introduced Bill C-203 to amend the legislation on appointing judges in order to ensure that they are bilingual. Before that, the NDP did a lot of work on this. My dear colleague, Yvon Godin, is well known by those who have been in the House for many years. He fought for years to ensure that the judges appointed were bilingual. He introduced a bill in June 2008. He started again in November 2008, and in 2010, he introduced the very well-constructed Bill C-232. It was more or less the same bill that I introduced. This bill was agreed to by a majority of the members of the House of Commons because the Liberals voted in favour of it. It ended up in the Senate, but unfortunately, the Conservative senators dragged out the process until the House adjourned and elections were called. Unfortunately, the bill died on the Order Paper.

The House did pass the bill, however. The elected members passed the bill. The Liberals are now in power and they are looking for any possible excuse not to pass this bill because it may be unconstitutional.

Why do the Liberals and my colleague, the Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, not refer the bill to the Supreme Court for an opinion? Is this bill constitutional or not? Let us ask the Supreme Court for an opinion.

When we asked the experts whether the bill was unconstitutional, they all said they could not say. We have to ask the Supreme Court for an opinion.

We know that, in the past, the Conservatives unfortunately did not always appoint bilingual judges. Therefore, if we want to ensure that we continue to have bilingual Supreme Court justices, we definitely must pass a bill. That is why this bill must be passed. I hope that the Liberals will take this bill seriously and pass it to ensure that regional representation will finally be mandated, and also to ensure that both official languages are on an equal footing. They must be equal, and one cannot be held above the other. Canadians, regardless of whether they speak French or English in Canada, must be treated equally before the law, especially since the Supreme Court is the highest court in the land.

Business of Supply

• (1700)

Mr. Sean Casey (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I would like to thank my colleague from Drummond for his speech. I will be talking about the same thing. He spoke about bilingualism and the private member's bill that he introduced. However, he knows very well that the policy announced by the Prime Minister will ensure that bilingual judges will be appointed from now on. We adopted a definition of functional bilingualism.

Requiring bilingualism is not really a big leap because the Prime Minister has already done that. Is it really necessary to pass a bill when we now have a policy that will guarantee that bilingual judges are appointed?

Why should we ask the Supreme Court to rule on whether this is constitutional when the result will be the same? As we know, 13 of the last 15 judges were bilingual to some degree. Therefore, it is not really a great leap.

• (1705)

Mr. François Choquette: Mr. Speaker, I thank the Parliamentary Secretary to the Minister of Justice for his question.

Unfortunately, it seems that the parliamentary secretary thinks that he will be in power forever. However, the Liberal government will not be in office forever and policies change. We want something more lasting, and a bill provides an additional safeguard.

When the NDP introduced the bill on bilingual officers of the House through my colleague Alexandrine Latendresse, we were all happy to support it. We passed that bill to ensure that officers of the House would be bilingual.

Since the Supreme Court is a last recourse for Canadians, we need to ensure that its judges are bilingual. The Quebec minister responsible for Canadian relations, Jean-Marc Fournier, is calling for the appointment of bilingual judges to be enshrined in law, as is the Fédération des communautés francophones et acadienne, the Barreau du Québec, and lawyers from New Brunswick and other parts of Atlantic Canada.

Yes, we need to put this in a bill because the Liberals will not always be in power. People need to properly understand both official languages, and the Liberals' definition of bilingualism is not quite adequate.

Mr. Daniel Blaikie (Elmwood—Transcona, NDP): Mr. Speaker, earlier, I mentioned that all of the Atlantic MPs were Liberals and that none of them were prepared to say that we should guarantee that region a seat in the Supreme Court. Perhaps that is because 100% of the members for that region are Liberal, even though they did not receive 100% of the vote. Perhaps we would be hearing something different from the Atlantic members if we had a different voting system.

Does the member for Drummond think that the debate would be different and that the Atlantic provinces would have different representation if we adopted a better voting system?

Mr. François Choquette: Mr. Speaker, I thank my colleague for his question and his very interesting and informed analysis. I commend the Liberal government for agreeing to change the

composition of the special committee on electoral reform to make it proportional to the number of votes cast. I tip my hat to the government because this shows great openness in the context of an extremely important democratic reform initiative.

As my colleague said, the main problem with the current system is that the votes do not count because there is no proportionality. This prevents us from having the most informed debate possible.

The consultations I held this summer in my riding indicated that people want our system to have some element of proportionality. We will see the results of this tour on democratic reform. I hope that the Liberal government will have the courage to put a system in place that addresses people's concerns.

The Deputy Speaker: Before I recognize the hon. member for Abitibi—Témiscamingue, I must inform her that she will have roughly five minutes before her speech is interrupted at 5:15 p.m.

• (1710)

Ms. Christine Moore (Abitibi—Témiscamingue, NDP): Mr. Speaker, I will try to sum up what I have to say in five minutes.

Let us start with some history. The Supreme Court was created in 1875. It has been the final court of appeal for criminal cases in Canada since 1933, and for civil cases since 1949. The Supreme Court consists of eight puisne judges and a chief justice, who shall hold office during good behaviour until the age of 75. Of these nine judges, three shall be from Quebec, to ensure expertise in civil law, and tradition has it that, of the remaining six judges, three come from Ontario, two come from the western provinces and one comes from the Atlantic provinces.

The motion flows from this problem, in other words, that this is a tradition, not a requirement. As we saw in the past under Stephen Harper, the appointment of Justice Marc Nadon did not comply with the rules. In that case, there was a formal obligation under the law, because the three justices from Quebec must have been members of the Barreau du Québec for at least 10 years, which was not the case for Justice Nadon. That was a legal, constitutional obligation, but it was not respected at the time of his appointment. There are precedents here, and in this case, it was a requirement.

What we are talking about now arises from tradition and custom, not obligation, so it is understandable that people would be concerned. I think we need to deal with Supreme Court appointments once and for all to ensure that what the vast majority of the population wants is no longer a custom but an obligation. If we deal with this now, it will not come up every time there is a new government and every time there is a new appointment, because that just gets tiresome.

I also want to talk about the bill my colleague from Drummond introduced because another important factor for me when it comes to Supreme Court appointments is bilingualism. I think the current definition of bilingualism is sloppy: they need to understand French, but they do not necessarily need to speak it. That makes no sense to me. There are tests in both languages that can tell us if people know the other language.

For example, I once did some research into working abroad in the U.K. I had to take an English test and get a minimum score on it to work there. We can do the same thing here. There are tools to evaluate whether people are truly bilingual. Saying someone just has to understand French but does not need to speak it is not good enough. To me, that is ridiculous. I also want to point out that, to be appointed to the Supreme Court, a candidate must satisfy a number of conditions, including having been a member of a provincial bar association for at least 10 years.

In other words, that person has time to prepare. People are not being appointed to the Supreme Court two years out of law school. While practising, people can figure out whether they are interested in joining the Supreme Court later in their careers, and they can make learning the second language a priority if they have not already mastered both official languages.

As a francophone, if I had been a lawyer and I thought I might like to be appointed to the Supreme Court one day, I would have made sure to take English courses so that I was completely bilingual. It is the same thing for anglophones. This is an important part of it. People do not just magically end up on the Supreme Court. It is a long process. A lot of hard work goes into getting appointed to the Supreme Court. These people have time to prepare. They have worked in a number of fields and have had time to decide to learn the other language so that they have the qualifications needed to sit on the Supreme Court.

That is why it is important we move away from our traditional approach to appointing judges and make regional representation and bilingualism mandatory criteria. No longer should we need to rely on such voluntary traditions that can be observed or disregarded with each new government depending on which of our friends we may want to appoint. That needs to stop. We need to put rules in place and settle this issue once and for all.

• (1715)

By so doing, we will avoid having to challenge time and again appointments deemed inappropriate or otherwise not in the best interests of our justice system going forward.

The Deputy Speaker: It being 5:15 p.m., pursuant to an order made earlier today, all questions necessary to dispose of the opposition motion are deemed put and a recorded division deemed requested and deferred until Tuesday, September 27, at the expiry of the time provided for oral questions.

[English]

Mr. Kevin Lamoureux: Mr. Speaker, I suspect that if you were to canvass the House, you would find the will to call it 5:30 at this point so we can start private members' hour.

The Deputy Speaker: Is it the pleasure of the House to see the clock at 5:30?

Some hon. members: Agreed.

The Deputy Speaker: It being 5:30 p.m. the House will now proceed to the consideration of private members' business as listed on today's order paper.

Private Members' Business

PRIVATE MEMBERS' BUSINESS

[English]

CANADA LABOUR CODE

The House resumed from April 12 consideration of the motion that Bill C-234, An Act to amend the Canada Labour Code (replacement workers), be read the second time and referred to a committee.

Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC): Mr. Speaker, it is a pleasure for me to rise to address Bill C-234, an NDP private member's bill that would effectively ban the use of replacement workers within federal jurisdiction. I am, to the great surprise I am sure of my colleagues, going to be speaking against the bill and sharing a bit about what I think the negative impacts of the bill would be.

Let me start with a bit of the underlying context. When we talk about labour relations, it is very important to reflect on the concept of solidarity. Certainly a concept invoked by people from different political traditions is the idea of solidarity being rooted in empathy, that we should be concerned about the well-being of others, that we should stand with others and have empathy for the circumstances of others. Solidarity is a call to regard the humanity in others and to seek their good. Our economy is well served when we emphasize in particular, though, a lens of universal human solidarity, not exclusively particular-group solidarity. In other words, it is best served when we reflect on how particular decisions impact the well-being of everyone in society, not just members of particular individual groups, not just, let's say, members of our own group, be it an economic group or otherwise.

Through the lens of solidarity, I would suggest that members approach the bill by reflecting on its impact with regard to the interests of all concerned, of all who would be impacted by it: the interests of unionized workers, the interests of the business community, and the interrelationship between the interests of those groups; the interests of society as a whole, in particular the consumers of services that may be provided by businesses and unionized workers in areas of federal jurisdiction; and in particular I would say the best interests of the most vulnerable group in our society in many senses, those who are unemployed. A holistic ethic of human solidarity is about thinking of the common good of all, analyzing the interests of all groups, and in this way, the way I have sought to divide it up, of these four principal groups.

I do not think this bill is in the interests of unionized workers, businesses, the public as a whole, or the unemployed. I will spend the balance of my time reflecting on each of those groups and the impact of the bill on them.

First, what would be the impact of the bill on unionized workers? As I was preparing to make this speech, I read a speech given in this place on a similar bill by my predecessor, the MP for Edmonton—Sherwood Park, Mr. Tim Uppal. He had some very good things to say about this and he talked about studies on the impact of the bill on work stoppages. In his speech, he said:

Independent studies have looked at the impact of anti-replacement worker laws on work stoppages. Most found no evidence that a legislative ban had an effect on activity, but some found that a prohibition on replacement workers led to more frequent and longer [work stoppages].

Private Members' Business

It is not hard to understand how a ban on replacement workers would have that impact. A ban on replacement workers increases the amount of pain that a strike can impose on an employer. Some might argue it creates a perverse incentive to have more and longer strikes in the hopes of extracting additional concessions. However, workers are rarely well served by extended work stoppages. Certainly they are better served when agreements can be found earlier on without the necessity of resorting to a work stoppage. Obviously, during a work stoppage workers lose access to their wages and they lose the positive opportunities that come from being productively engaged in work. A bill that upsets the good and appropriate balance that we currently have in federal legislation by creating a perverse incentive for more work stoppages does not serve unionized workers. Unionized workers are not well served by an overly conflict-oriented work environment.

● (1720)

The current balance encourages negotiation and collaboration between workers and employers, but upsetting that balance has the potential to create a more conflictual work environment that will not serve either side and, with reference to this particular point, not serve unionized workers.

I will also say about unionized workers that we know that the economic well-being of workers is intimately tied, especially in the private sector, to the economic position of their employers. If an employer goes out of business, the workers involved lose their job. If employers face a particularly challenging economic time, they may be forced to lay off workers, or at least will not be able to offer increases in wages they might otherwise wish to offer. We can understand that the economic well-being of workers is tied to the economic position of their employers.

That brings us to the next point, which is the impact of this on businesses. Economic activity certainly requires certainty, so that businesses have an effective functioning economy when they are making decisions about investing here in Canada, about starting in the first place, and about expanding their operations. They want to know that they will be able to continue to do business.

If in certain circumstances they are prevented from the possibility of hiring replacement workers, that will create a significant amount of uncertainty. It will discourage investment. It will make it more difficult for them to work here and create jobs in Canada.

Again, we need to be concerned about the well-being of businesses, of job creators, because of those economic interrelationships and because of this idea of universal human solidarity, which calls us to reflect on how, economically as well as in other respects, we are interconnected.

This kind of a measure, which would be devastating, as various groups have pointed out, to the activities of business in this country would be devastating to job creation. It would have a devastating impact on workers.

I want to talk about the impact of this on the public. When we are talking about federally regulated areas, we are talking about some very important sectors of our economy. We are talking about interprovincial transportation, rail, road, air. We are talking about

things like grain handling, mining operations, certain crown corporations, museums, and many important areas of our economy.

If we do not allow replacement workers in certain circumstances, the public will lose access, or the public can lose access, to these vital services. That, obviously, will not serve the public very well.

With regard to the public, with regard to the importance of our museums, transportation, telecommunications, crown corporations, etcetera, I think members should reflect on the negative impacts of this bill, and certainly join me in defeating it.

Let us talk, finally, about the impact of this legislation on the unemployed. A replacement worker ban would prevent those who are unemployed from gaining temporary employment, which might well provide them with valuable experience and skills, and strengthen their position financially, and be a real asset to people who are able to take advantage of replacement work opportunities.

Again, nobody welcomes a work stoppage, but to stay that in a situation where nobody is working in a particular area, that those who are unemployed should not be able to step in on a temporary basis, perhaps learn some skills and gain some valuable resource, to suggest that they should not do that, I would argue, is unfair to those unemployed people.

It is interesting that sometimes the measures we see coming from our friends in the NDP do not consider the well-being of the unemployed. We could use the example of the unfortunate minimum wage hike happening in my home province of Alberta. The impact of that is going to hurt job creation. It is going to hurt the unemployed. The argument is that it helps those who have work. However, the negative impact on the unemployed, on those who are creating jobs and therefore on those who are negatively impacted by the loss of jobs is very clear.

I encourage colleagues to reflect not on narrow group solidarity, but on this idea of universal human solidarity, how this bill impacts the whole of the economy, and to look at these various different segments of society. I would also encourage my colleagues to join me in defeating this bill.

● (1725)

Ms. Sheri Benson (Saskatoon West, NDP): Madam Speaker, it is my privilege to rise today to support Bill C-234—I am sure my colleagues will not be surprised about that—sponsored by my colleague, the member for Jonquière. The last debate on this valuable amendment to the Canada Labour Code was fruitful. All members who spoke raised important questions about both the bill itself and its manner of introduction in the House.

Before I speak to the bill in question, if I may, I will respond to some of the objections we have heard. The Parliamentary Secretary to the Leader of the Government in the House of Commons expressed his distrust of New Democrats' motives. This was based on his experience in provincial politics and the NDP's own history of labour-related legislation. He claimed indirectly that this piece of legislation is part of "games that are played between the Conservatives and the NDP with respect to labour".

Private Members' Business

I would like to remind him of the distinction between federal and provincial parties and agendas. I do not hold the federal Liberals responsible for the policies and decisions of their provincial counterparts. This attitude of suspicion really is not helpful for healthy debate and is corrosive, I think, to Canadian politics.

While I might not agree with them, I respect all of my elected colleagues' opinions and I equally hold all of my colleagues to their word. This is part of good-faith discussions and negotiations, without which any bargaining process crumbles, whether in the House or over employment conditions.

My colleague from Louis-Saint-Laurent took a principled position in opposing the NDP's amendment, and while I respect his commitment, I am saddened by his party's continued insistence upon outdated economic theory that sacrifices actual and practical considerations. He said, "Let us not forget that striking workers can always go work somewhere else".

Individuals are not, at their core, economic beings or economic robots that just uproot and abandon their communities, friends, places, and memories for only financial considerations; and the government should not treat them as such. This brand of economic thought is blind to the realities faced by many working Canadians and, insensitive to the demands of everyday life, was really at the heart of some of the previous government's destructive economic policies.

In addition, I would call into question various statistics and citations used by the member for Louis-Saint-Laurent. First, we must all remember that correlation is not causality. The numbers are not, as the member stated, speaking for themselves, but rather, the member is speaking for the numbers.

Second, while he rightly pointed to the recommendations of the 1996 Sims commission, my colleague neglected to mention that the commission found that Quebec has managed without major difficulty since the general prohibition of replacement workers. He equally neglected to mention the minority opinion of commission member Rodrigue Blouin, who noted that there was neither consensus nor conclusive evidence for the recommendations. Blouin recognized that replacement workers undermine the fundamental principles of bargaining integrity. The member for Louis-Saint-Laurent did not acknowledge this. Nevertheless, I respect the member's position, his honesty, and his valuable respect for the equality of all members.

All members spoke to the balance that exists between employer and employee, thanks to the Canada Labour Code, and the threat of upending that balance. I commend my colleague from Regina—Lewvan for his excellent response to this criticism, which was not addressed in the subsequent debate, and I wish to return to this point later.

First, however, was the member for Cape Breton—Canso's argument for the need for a wide tripartite consultation process, instead of piecemeal changes through private members' bills. This process, through deliberation and study, would preserve the employer-employee balance.

My colleague's comparison of our amendment to labour law changes under the previous government is disingenuous. Bills C-377

and C-525, two bills given as examples, were introduced and shepherded through Parliament by the previous government, which held consultations in contempt and proactively stifled consensus-building discussion. Bill C-234 has been introduced the only way we know how.

• (1730)

The Canada Labour Code requires modernization. If the current government is willing to initiate this consultation process, I say, let us do it. The Liberals, however, will not do this.

We are nearing one year since the election. The government promised Canadians real change, and they have done better than the previous government, it is true. Of course, transparency and wide and thoughtful consultations are necessary to open government. The current government, however, is employing these consultations with partisan judiciousness, putting us in an awkward position.

Where was the broad discussion on arms sales to Saudi Arabia? Where are the consultations on Bill C-51, legislation that blatantly infringes upon charter rights and against which experts from coast to coast have been unified? In fact, where is any whisper that Bill C-51 is being put back on the table? How many more experts must speak out against Bill C-51 before the government acts?

In many cases, we have seen deliberate delay masquerading as thorough bipartisan concern. The government is willing to listen, it seems, only when it knows it will like what it hears. I should add that unlike my colleague from Winnipeg North, I am judging the government on its own track record.

I want now to return to the carefully crafted balance that my Liberal colleague spoke of previously. The phrase "sunny ways" we know was popularized by prime minister Laurier, a famous compromiser, yet we also know that Laurier's downfall was ushered in through some of the same compromises.

I strongly believe in compromises, in listening, negotiating, and thoughtfully coming to consensus, but on some issues, talk of balance is misleading. We cannot, for example, support aboriginal land claims and propose nation-to-nation dialogue, yet at the same time green-light pipeline development without consultation.

To say that we worked toward balance in this case is meaningless. We do not need to balance news coverage of climate change with deniers who ignore the science. Likewise, there is the idea that the current iteration of the Canada Labour Code balances, as the member for Cape Breton—Canso put it, "the union's right to strike with the employer's right to attempt to continue operating during a work stoppage".

Management always has the upper hand in the current scenario, and Bill C-234 is merely trying to balance the playing field.

The carefully crafted balance the government claims exists at the moment between workers and employers under the Canada Labour Code appears to be the same as what exists between the opposition and the government here today. Management and the government will always have more resources at their disposal.

Private Members' Business

Furthermore, it is undeniable that the use of scab labour makes strikes more bitter, and sometimes violent. They also prolong the conflict. That does not really serve anyone.

As the eight-month-long strike at *The Chronicle Herald* newspaper in Halifax drags on, the *Herald* is losing subscribers and advertisers it may never get back. Workers are losing their regular paycheques and the work they so clearly love to do. Any readers that are left will have lost the quality paper of old.

Anti-scab legislation would help reduce days lost to work stoppages and would facilitate a quicker resolution to workplace disputes.

In Quebec, where anti-scab legislation has been in place since 1977, and in British Columbia, where a similar law has existed since 1993, days lost to strikes have actually decreased since these laws were enacted. These laws must be working, or subsequent governments would have moved to repeal them.

The bottom line is that nobody ever wants to go on strike, says Ingrid Bulmer, president of the Halifax Typographical Union, whose members are still on strike.

“When we went out, it wasn't because we want more, it was because management wants to take away so much. We are striking in self defense”.

She went on to say, “Strike pay is much less than what you are used to getting. If you live paycheck to paycheck it becomes a problem, and the company is using that as a weapon to bully us into surrendering. They have much deeper pockets than we do.... The balance is altogether tipped in the employer's favour”.

Bill C-234 will extend a ray of sunshine to Canadian workers under the Canada Labour Code. This legislation will restore good faith negotiations at the bargaining table, as both parties, employers and employees alike, will have something to lose by not coming to an agreement. This is not naive theory. This is a simple fact.

• (1735)

[*Translation*]

Mr. David de Burgh Graham (Laurentides—Labelle, Lib.): Madam Speaker, It is an honour to speak today to a bill that could affect the balance in labour relations in Canada. I am referring to Bill C-234, which would prevent employers governed by the Canada Labour Code to hire replacement workers in the event of a strike or lockout.

Although most labour relations in Canada are governed by the provinces, it is important to point out that part I of the Canada Labour Code governs labour relations in private workplaces under federal jurisdiction. It covers key industries in our economy, such as international and interprovincial rail and road transportation, air and marine transportation, and telecommunications. Certain crown corporations, such as Canada Post, are also governed by the Canada Labour Code.

The Code ensures that there is balance between the union's right to strike and the employer's right to try to continue operations during a work stoppage. The current Canada Labour Code provision already restricts the employer's use of replacement workers. Employers

governed by the code cannot use replacement workers to undermine a union's representational capacity.

I want to point out that opinions on this matter have always been divided, with some people being very supportive of using replacement workers and others very much against it.

A few years ago, there was a full review of the code, and this provision was one of the ones added. At that time, it was viewed as an acceptable compromise between the employers governed by the code and the unions representing their employees.

Although I am sure the member who introduced Bill C-234 probably wanted to improve labour relations, it is important to understand that the bill could upset the balance of the rights and responsibilities of both unions and employers under the terms of the Canada Labour Code. I want to remind the members of the commitment we made to re-establish balance and fairness in labour relations with the groups covered by the code.

I want to emphasize right away that, given the scope of what is being proposed, such a measure must take into account the views of all stakeholders: employers, unions, the government, and even external stakeholders, such as universities and any others that might contribute in any way. This will require feedback from and the participation of anyone who could be affected by this measure.

With that in mind, we have already introduced important measures to correct the inequities created by Bill C-377 and Bill C-525, which upset that balance. Those bills had a serious impact on workers and unions in Canada. They put unions at a disadvantage, and we believe that those bills must be repealed.

Much like this bill, Bill C-234, Bill C-377 and Bill C-525 were private members' bills, so they were not subject to the rigorous consultation that should take place on such issues. We must not take the same approach on this issue.

• (1740)

[*English*]

The issue of replacement workers is too controversial, with employers and unions having opposing views. However, in the past, both labour and employer organizations have been highly critical of changes being made to federal labour relations legislation through private members' bills without prior consultation with stakeholders.

[*Translation*]

We believe in an open and transparent approach to labour relations, one that promotes stability.

In the past, this type of reform involved consultations with employers, unions, and the government. For example, in 1995, a task force held extensive public consultations on part I of the Canada Labour Code, which deals with industrial relations. These consultations were held with unions, employers, and government stakeholders, as well as with academics and other groups that wanted to have a say on the issue.

Private Members' Business

The task force's report, entitled "Seeking a Balance", served as a framework for significant changes to part I of the Canada Labour Code, which came into effect in 1999. Consultation and engagement help ensure that our policies are evidence-based.

The development of fair, balanced, and evidence-based labour policies is essential for both workers and employers.

We therefore do not support Bill C-234 because it does not meet this country's standards of openness and transparency, and it upsets the balance in labour relations.

The employer-employee relationship is essential to our economy. Good working relations result in stability and predictability in the labour force, factors that fundamentally support our economy.

We must therefore ensure that labour policies are in the best interests of Canadians because, in this country, we have a long tradition of labour legislation and policy designed to promote the well-being of all by encouraging collective bargaining and dispute resolution for the common good.

We are committed to implementing a labour policy that is balanced and fair for all workers and employers governed by the Canada Labour Code.

That is the spirit of our position on this very important issue.

Ms. Christine Moore (Abitibi—Témiscamingue, NDP): Madam Speaker, I am pleased to rise to speak to this topic because it is pertinent to one of my areas of study. I am a nurse by training, but I also did additional training in workplace health and safety. The reason I want to emphasize this is that in many cases, workers do not go on strike to get a better salary, but to protect against dangerous working conditions. Throughout history there have been strikes that sought to denounce dangerous working conditions and to call for change.

Some sectors remain quite dangerous no matter how careful companies might be. Take for example the history of mining work. It is extremely dangerous work. Even though mining companies are now making tremendous efforts in the area of workplace health and safety, the fact remains that deaths occur in the mining sector every year.

If workers decide to go on strike to denounce working conditions that are inadequate or put their health and safety at risk and the employer can simply use replacement workers, then the situation will not improve. This does nothing to address the danger. This simply puts pressure on the workers by calling them babies and saying that others are prepared to do the work and that they should stop complaining. That is not the way to improve workers' health and safety, especially for those who work in dangerous fields.

Without anti-scab legislation, strikes tend to drag on. In 1974, there was a strike in Quebec that lasted 20 months and resulted in an amendment to the Quebec Labour Code. However, prior to 1974, there were several strikes that went on for more than 10 months. That is almost a full year of unemployment.

When workers refuse to work for 10 months, they clearly have a reason. If employers are simply allowed to replace their employees with other workers who are prepared to do the job—probably

because it is that or nothing—the working conditions of employees do not improve. Employers do not strive to improve employees' health and safety.

The workplace has changed significantly. We need only think of what our grandfathers told us. It is unfortunate, but in my family, there are four or five men missing part of a finger. That may not seem like much, but it is because the health and safety standards were not the same at the start of their careers, and they were in manual trades that were a little more dangerous than other trades. Although minor, these are life-changing accidents, and yet, they could have been worse.

Anti-scab legislation ensures that employers must negotiate with their employees. If something undermines the health and safety of workers as it does in the case at hand, at some point it costs less for the company to improve practices than to have employees who are on strike for a long time. However, if the employer is allowed to call on replacement workers, its negotiating strength is no longer the same. That is why my colleague's bill is so important. It changed a lot of things in Quebec, and I hope we will be able to do the same here.

Of course, there may be different legislative approaches. That is why we have committees in our parliamentary system. Committees allow us to choose how extensive of a study should be conducted, depending on the bill. If the committee thinks that the bill is extremely important, it can choose to examine the bill over ten sittings or so and hear from many witnesses and stakeholders.

The committee is controlled by the Liberals.

● (1745)

If the Liberals think that this issue is extremely important and warrants extensive consultation, there is nothing stopping them from moving a motion in committee to conduct a study that will last long enough to hear everyone's views and perhaps make amendments to the bill.

This is such an important bill affecting bargaining power and labour law that we cannot simply dismiss it out of hand. We absolutely must send this bill to committee so that we can discuss it and resolve the situation.

Right now, only two provinces have legislation to prohibit replacement workers: Quebec and British Columbia. In practical terms, some people may not have ideal working conditions, but since they know that they will simply be replaced if they go on strike, they accept the risks and continue to work, hoping that nothing bad will happen to them. This is a dangerous attitude that can destroy families.

Private Members' Business

In my riding of Abitibi—Témiscamingue, I have friends who have become widows because of mining accidents. Adolescents have become orphans. They lost their father at age six or eight. These are not easy situations. However, I also know that mining companies have done a lot to improve workplace health and safety.

Unfortunately, accidents still happen, and that is why we need to bring in legislation that enables us to make improvements the various systems and companies as much as possible, to ensure that workers are as safe as possible and that they are not afraid to speak out about dangerous working conditions for fear of being replaced in the event of a strike.

This is an important bill, and it has a history in the House. This is not the first time this matter has come before us. Yvon Godin talked about it many times here in the House. It is an important bill. The fact also remains that some federally regulated professions can be very dangerous. Railway workers labour in a profession that is very physically demanding and very dangerous. Accidents can happen.

Consider those who repair railways. They often have to hammer huge spikes with weights of about 150 pounds and have to carry heavy objects. There are other dangers, too. For instance, if repairs are not done properly, this can cause accidents not only for workers, but also for rail users.

Some federally regulated occupations involve significant risk, so it is appropriate to protect people by preventing employers from hiring replacement workers in a strike situation, whether it is company-wide or just in one particular unit. Strikes can involve people in specific trades for whom working conditions are unacceptable and may have nothing to do with other employees.

It is important to remember that many of the demands employees make, whether they are unionized or not, have nothing to do with compensation and everything to do with health and safety.

I think that passing this bill can help us save lives, advance labour law more quickly, and continue to be a global leader in health and safety. In many sectors, such as mining, we are considered world leaders when it comes to safe workplaces, but if we stop now, if we stop improving, our international reputation will suffer.

It would be nice if the government chose to provide truly improved worker protection and signalled its intention not to go down the same path as Stephen Harper's government.

• (1750)

Mr. Robert Aubin (Trois-Rivières, NDP): Madam Speaker, it is truly a pleasure to speak to this bill because I have the impression that as a new MP I will be able to continue the work I did previously for a long time as a union representative. Although I was not with the union from the beginning, I will say that unions have always helped improve working conditions, whether it is wages, health and safety standards, or the work week.

What we all too often forget is that this does not just benefit unions. All the concessions earned by union struggles are subsequently passed on to all workers. As the former union president representing the teachers of my institution, I am proud to rise in the House to continue standing up for workers' fundamental right to free bargaining.

For many years, the NDP and the labour movement have been asking the federal government to prohibit the use of strikebreakers during strikes and lockouts.

Resolutions by our federal party also called for the review of the Canada Labour Code in order to ensure healthy labour relations and to give workers the opportunity to freely negotiate their collective agreements.

The bill's primary objective is to prevent employers under federal jurisdiction, of course, from recruiting replacement workers, thereby strengthening the negotiating position of unionized workers when negotiating with management.

To give the bill some teeth and encourage employers to respect it, our proposal involves a fine of up to \$10,000 if an employer hires replacement workers during a strike. As they say, money talks.

Before Quebec adopted its anti-scab legislation in 1977, the history of labour relations in la belle province was marked by some very dark episodes in which physical altercations broke out between unionized workers and replacement workers.

I am sure many will remember the dramatic events that took place in Quebec after a strike was called at United Aircraft. The labour-management negotiations were essentially about the Rand formula, under which non-unionized workers had to pay union dues because they enjoyed the same benefits as unionized workers.

The employer rejected the Rand formula and hired scabs to thwart the union's bargaining power. The tale took a dramatic turn when management assaulted striking workers and the unionized workers then targeted strikebreakers. Violence only begets more violence.

The employer called in the Sûreté du Québec to end the striking workers' occupation of the plant. The workers were savagely beaten by police, and many were arrested.

Another incident took place at the Robin Hood mill, where the company's security guards opened fire on eight workers. Why? Because they were picketing outside the mill demanding the right to a decent standard of living.

Private Members' Business

These tragic events occurred before Quebec passed its anti-scab legislation. Violent social conflicts led to greater awareness among Quebec political decision makers. On the one hand, unionized workers extracted only meagre benefits from their job action because the use of scabs pressured them to go back to work. On the other hand, businesses slowed down and became inefficient because toxic labour relations overshadowed production.

The Quebec Labour Code was modernized for all of these reasons. For 39 years now, Quebec has armed—if members will forgive the expression—its labour code, rather than workers or employers, with anti-scab measures and this policy has had many positive effects.

Many studies show that, since Quebec adopted anti-scab measures, labour disputes have been shorter because employers are encouraged to quickly find a solution to the problem. What is more, shorter labour disputes generally result in less potential for violence.

Anti-scab legislation has another objective besides maintaining industrial peace. In that regard, I would like to quote former Quebec premier Bernard Landry, who said: “In order for the right to strike to be effective, it must penalize the company”.

● (1755)

A slowdown in a company's activities forces management to negotiate a solution to the labour dispute.

Keep in mind that our collective labour relations rest on three pillars. The first is freedom of association and union recognition. The second is the obligation to bargain in good faith. Finally, the third is the ability to use economic pressures to encourage the conclusion of a collective agreement.

It is that last pillar that is at play in the bill introduced by my colleague. Striking is a fundamental right, and the Canada Labour Code must not seek to minimize the impact of this democratic right. In the absence of federal legislation on the matter, a labour dispute drags on and is more likely to result in the employees returning to work without any improvement in their working conditions. Society as a whole ends up losing in these wars of attrition because labour rights take a hit and so does the companies' economic performance.

In order to ensure balanced labour relations, the legislation must ensure that only the two parties involved negotiate an agreement. As soon as a third party is introduced, striking becomes ineffective and often results in a weakening of workers' rights.

Recourse in current anti-scab legislation does not provide adequate protection for workers' rights and their unions. Hiring scabs has become a legitimate practice for some employers, and the burden of proof lies with the unions. The union has to prove that the employer intends to undermine the union's representational capacity. That is ridiculous.

Many stakeholders have condemned the malicious intent of that recourse. On that, I would like to quote Claudette Carbonneau, past president of the CSN:

It also puts an unfair burden on the union, which has to establish that the employer intended to undermine the union's representational capacity, as if the consequences alone of that practice were not enough.

The recourse in the legislation purports to protect workers, but it is a sham.

Canada ratified the International Labour Organization's Freedom of Association and Protection of the Right to Organise Convention. All of the international organizations to which Canada belongs protect the right to strike and dispel the myth that a business is less competitive if it fully respects its workers' rights.

Under our international obligations, the Canada Labour Code must be updated, because Canada must set an example for the developing countries that it is supposed to be supporting in their quest for democracy.

This government can show real leadership by making its own labour relations more democratic. What is more, Canada voted in favour of the 17 sustainable development goals for 2030. Number eight clearly stipulates the need to defend the rights of workers and the right to decent work for all.

As a past critic in this area, I would remind the members that the sustainable development goals for 2030 do not apply only to developing countries, but to all 193 signatory countries. The sustainable development goals are universal in scope, which is a fundamental reason why our federal labour code needs to be updated.

In closing, now, in the 21st century, it is high time that we updated the Canada Labour Code by prohibiting replacement workers and any strategy whose aim is to circumvent the law, such as teleworking.

The Liberal government began its term by reversing Conservative legislation that undermined the legitimate work of unions. In addition to getting rid of those Conservative initiatives, this government must also show leadership when it comes to protecting the rights of workers.

● (1800)

Ms. Karine Trudel (Jonquière, NDP): Madam Speaker, it is an honour for me to have the last five minutes of debate to speak to my bill C-234.

We talked about this bill in the House for two hours. It is a bill that seeks to modernize the Canada Labour Code. The time has come to do so. We have made progress. We have been talking about this for years. The bill has been introduced several times in the House. Under the proposed bill, if negotiations are under way at an institution involved in a strike or a lockout and the employer asks people to telework, then the employee could be identified as a scab. This is where modern technology has taken us.

Adjournment Proceedings

Earlier today and yesterday, unions were being praised in the House. The government was said to be on their side. Modernizing the Canada Labour Code would be a testament to that. Bargaining relationships have to be on equal footing. There can be no imbalance. Currently there is an imbalance on the side of the workers. When a company is in a lockout or a strike, its employees are out on the street and scabs are called in, the imbalance is on the side of those in the street. The company continues to make profits, manufacture its product, and ship it across Canada. Therein lies the imbalance.

We have reached that point. It is 2016, as the government and members here like to keep telling us. Let us do it. Let us walk the talk. We were talking about consultations earlier. It is not complicated. We just have to vote for the bill at second reading and it will be sent to committee. The government will be able to draw its list of witnesses. We will be able to talk to them and travel if need be. We can bring in the unions, the employers, and listen to them and hear what they have to say.

If we shut down this debate right now, we will never know what people want. We have the option to vote to send the bill to committee.

This summer my colleagues and I talked a lot about long strikes. Conflicts drag on. In Saguenay—Lac-Saint-Jean, a lockout lasted three years. Men and women were without jobs for three years while it was business as usual for the company. That is unacceptable.

We have to make changes. Even today, as we speak, employees of the Old Port of Montreal are on strike. They are going to start feeling the cold because strikebreakers are still arriving and providing essential services, while the employees are not being paid and cannot reach an agreement. This situation is dragging on because it works for the company.

On the one hand, the government praises unions and says that it backs them. On the other hand, when it is time to take real action, such as sending this bill to committee, it is dismissive and says that the bill creates an imbalance. I would like to hear what else the employees of the Old Port of Montreal have to say this evening. There is an imbalance. We have the opportunity to do something. Let's do it.

We are talking about 12,000 companies in Canada and 800,000 jobs. That is a lot. This morning, some of us had coffee in the cafeteria. The woman who served us is a union member. The customs' officer at the airport who helps us is a union member. The employees of the Old Port of Montreal, whom I mentioned, belong to a union. Those are the people we must help.

Amending the law does not create an imbalance. It simply creates a level playing field for bargaining.

I believe that we are at that point. It is time to modernize the Labour Code to ensure that, when there is a strike or lockout, it does not create an imbalance of power that prolongs the dispute. We need to allow employees to negotiate with their employers on an equal footing.

I am repeating myself, but we have the opportunity to send this bill to committee. Let us do just that. Let us hear from witnesses and

then make a decision. Some people in the House already voted at second reading. Let us do it again. Let us go through the process again and do something to build the future for once. Let us amend the Canada Labour Code.

● (1805)

The Assistant Deputy Speaker (Mrs. Carol Hughes): Is the House ready for the question?

Some hon. members: Question.

The Assistant Deputy Speaker (Mrs. Carol Hughes): 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 Assistant Deputy Speaker (Mrs. Carol Hughes): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Assistant Deputy Speaker (Mrs. Carol Hughes): All those opposed will please say nay.

Some hon. members: Nay.

The Assistant Deputy Speaker (Mrs. Carol Hughes): In my opinion the nays have it.

And five or more members having risen:

The Assistant Deputy Speaker (Mrs. Carol Hughes): Pursuant to Standing Order 93, the recorded division stands deferred until Wednesday, September 28, 2016, immediately before the time provided for private members' business.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[English]

POST-SECONDARY EDUCATION

Mr. Richard Cannings (South Okanagan—West Kootenay, NDP): Madam Speaker, my original question dealt with the increasing disparity in access to higher education in Canada, based on a Parliamentary Budget Officer's report from May 5, 2016, entitled, "Federal Spending on Postsecondary Education".

Before getting into the details of that report, I would first like to set the stage with a broader view of where Canadian post-secondary education funding has been and where it is going.

Twenty years ago government funding for post-secondary education accounted for 77% of university and college operating expenses. After years of the federal government's downloading of costs onto the provincial governments, and provincial governments' downloading of those costs onto universities and colleges, it now covers less than half of the costs.

Adjournment Proceedings

Universities and colleges have been forced to download those costs onto students. As a result, over the same time period, tuition fees have risen by more than 137%. The students are shouldering a rapidly increasing portion of the load when it comes to funding post-secondary education.

Increasingly, many students are shouldering that load with crushing personal debt. The average student debt at graduation is now about \$28,000, about half of which is in the form of federal student loans. That is the average. As they start their careers, many graduates have debts of over \$40,000, and that debt is rising every year.

Getting back to the Parliamentary Budget Officer's report, it stated that students from wealthy families are much more likely to attend colleges and universities and that this disproportionate ratio is growing. Right now, 60% of students come from families with the top 40% of incomes. The report also states that the government programs to help students also disproportionately help those wealthy students more than students from lower-income families. These benefits come in the form of tuition tax credits and RESP savings grants.

The new measures in this year's budget were supposed to help lower-income students, but the PBO found that "These measures will not, however, significantly change the distribution of total federal spending on postsecondary education". Giving lower-income students \$1,000 more in grants per year does not really put a dent in debt when it costs \$15,000 to \$20,000 to attend university or college for a single year. In other words, students from wealthy families will continue to benefit disproportionately from government spending on post-secondary education and government programs that provide financial assistance for students.

The purported middle-class tax break will not help either, since it is targeted at these wealthy families that I am speaking of. Any student with parents who, individually, are making less than \$45,000 per year will not get a cent from that tax cut, while those with parents making between \$100,000 and \$200,000 will benefit substantially.

I believe that a good post-secondary education is not a privilege in Canada but should be available to every capable and enthusiastic student who wishes to take that path. They should be able to complete that education without mortgaging their life before they even have a job, and before they even think of owning a home.

I think we have to look at the structural cause of this problem, the declining proportion of government funding to universities and colleges. While the federal government provides funding to the provinces in the form of a social transfer, post-secondary funding is not provided as a dedicated item. Provinces are free to spend that social transfer more or less how they choose.

They say that education is the great equalizer, but it is getting tougher in Canada to get a good education. Again I would like to ask the minister, what is—

• (1810)

The Assistant Deputy Speaker (Mrs. Carol Hughes): The hon. Parliamentary Secretary to the Minister of Finance.

Mr. François-Philippe Champagne (Parliamentary Secretary to the Minister of Finance, Lib.): Madam Speaker, I appreciate this

opportunity tonight to address the comments of the hon. member for South Okanagan—West Kootenay for whom I have a lot of respect for bringing this important issue to the floor tonight. I want to inform the House of what the government is doing to ensure that Canadians are better positioned to access post-secondary education and to graduate.

Canadians have proven to be among the world's most enthusiastic supporters of education as a pathway to greater prosperity. As Canada's population ages, its prosperity will increasingly depend on young Canadians getting the education and training they need to prepare for the jobs of today and tomorrow. For this reason, it is more important than ever to ensure that post-secondary education remains affordable for all Canadians, including the middle class and those working hard to join it. The future of young Canadians and the future of Canada depends on it.

Budget 2016 takes important steps to make education more affordable for all Canadians, and especially for those students struggling with the steep cost of attending post-secondary institutions. With our first budget we increased Canada student grant amounts for students from low- and middle-income families as well as for part-time students. As a result, approximately 350,000 students from middle-class and low-income families across Canada will receive more financial help to make it easier for them to pursue their education.

Through budget 2016 we will also expand the Canada student grants program so that more students receive non-repayable financial help. We will do so by changing the eligibility thresholds beginning in the 2017-18 academic year. In addition to Canada student grants, students in Canada can also take advantage of Canada student loans to help pay for their education. Our government believes that students should not be penalized for working and gaining valuable job experience while studying. Under the current program students must estimate their financial assets and income earned while studying to determine eligibility for Canada student loans and grants. Students who work should not have to worry about jeopardizing their grant or loan.

For that reason, budget 2016 proposes to introduce a new flat-rate student contribution model, which will be implemented for the 2017-18 academic year. This will see students contribute a flat amount each year toward the cost of their education, and financial assets and student income will no longer be considered when they apply for a loan or grant. This change would allow students to work and gain valuable work experience without having to worry about a drop in their financial assistance. It would also benefit adult learners, many of whom work while studying or have significant financial assets.

We also want students not to worry that their debt repayment will be an overwhelming burden after graduation. For that reason, through budget 2016 we will make sure that no student needs to start repaying their Canada student loan until they earn \$25,000 a year.

Adjournment Proceedings

Budget 2016 will also invest \$165 million in 2016-17 under the youth employment strategy. This government is committed to post-secondary education and growth in our—

• (1815)

The Assistant Deputy Speaker (Mrs. Carol Hughes): The hon. member for South Okanagan—West Kootenay.

Mr. Richard Cannings: Madam Speaker, we do not have to help students work more while they are studying. We should allow them to study with the least economic hardship.

I want to re-emphasize the need to tackle the root cause of this problem, the skyrocketing costs of tuition coupled with steadily increasing costs for housing. Solving those issues through a reinvestment of government funds into post-secondary education would really help us turn this troubling trend around.

Mr. François-Philippe Champagne: Madam Speaker, as I said, this government has invested more in post-secondary education to make sure we understand that education is key to prosperity in this country.

Let me quote another number from our last budget. We want to help young people gain the skills and experience they need to fill and keep the good jobs that are coming. This government invested more than \$330 million.

Therefore, I would put to the hon. member that he should be happy to have a government like our government that believes in education as growth and wants to invest in youth, will invest in youth, and has made significant investments already into youth programs to make sure that our youth will find the jobs of today and tomorrow; and our commitment will continue.

I thank the member for bringing this important issue to the floor, and particularly for giving me the opportunity to say what this government is doing for our youth in this country.

FOREIGN AFFAIRS

Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC): Madam Speaker, I asked a question in the spring about Iran's disregard for basic human rights, and about the Canadian response to that.

The government has indicated that it wishes to re-open an embassy in Tehran. The Minister of Foreign Affairs has noted in several of his speeches that the last time we had an embassy in Iran, several movies were made about it. This is true, but I would argue it is not a sufficient reason for us to re-open our embassy.

The closure of the embassy was driven in part by Iran's violation of UN resolutions, its various threats to international peace and security, and its absolutely horrendous domestic human rights record. However, it was also driven by imminent concerns about the safety of Canadian embassy staff. Shortly before the closure of our embassy in Iran, a mob of Iranian protestors invaded the British embassy and a separate diplomatic compound. One building was lit on fire and people were injured. Reports closely linked the militia involved in that attack with the Iranian government.

The previous Conservative government understood, rightly, that our foreign policy, whatever its other goals, could never knowingly put Canadian diplomatic staff in a country where the government

would threaten their security and use their very lives as pawns in a cynical political game.

Iran has not ceased to do what almost no other country does in this respect: allow or perhaps facilitate attacks on embassies within its borders to make a political point. This year, in fact while I was visiting the Middle East, mobs stormed and burned Saudi diplomatic missions in Iran. These actions were in immediate response to mass executions in Saudi Arabia, executions that we certainly condemn, but nonetheless they again demonstrated the willingness of the Iranians to use diplomatic properties and diplomats as political tools. Again, this was this year, 2016.

Therefore, I would like to know from the parliamentary secretary how the government justifies its policy on Iran. I know it wants to spend more time hanging out with the Iranian government. However, can we not agree that preventing the use of the lives of our diplomats as political pawns in Iran's cynical game is a high priority?

In addition to addressing the issue of human rights in Iran, my question included points about the Office of Religious Freedom. That office played a critical role advocating for human rights in Iran and elsewhere. This was a better model than an embassy on the ground. It put the focus on advancing our values, it helped religious minorities in Iran and other groups facing persecution, and it did not put our diplomats in harm's way.

The current government has eliminated the Office of Religious Freedom. It has created a new office supposedly focused on human rights. However, that new office does not even have an ambassador. Why could it not put an ambassador in place who could be an advocate for these things. Again, we do not agree with doing away with the old model, but the fact that it has not put an ambassador in place shows its lack of commitment to this whole area of international human rights.

The government has been in place for almost a year and it has a new office that is, according to a recent *National Post* story, looking for programming opportunities. I would suggest some programming opportunities. It should continue with the work that the previous office was doing, and let us put in place an ambassador who can be involved in vital advocacy on the issues.

My question to the parliamentary secretary is this. Why is the government prepared to undertake a policy that may well put diplomatic staff at risk; and why not, at the very least, give this new office a real ambassador?

• (1820)

Ms. Pam Goldsmith-Jones (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Madam Speaker, as the Minister of Foreign Affairs has said, it is important not to sever all ties with a regime we disagree with. In order to best protect Canadians and promote Canadian interests, we need to maintain the ability to talk to those we disagree with.

Adjournment Proceedings

Cautious engagement is the responsible strategy. For example, during the height of the cold war, we maintained embassies in the U.S.S.R. During the darkest days of apartheid, we maintained embassies in South Africa. Of course, we disagreed with those regimes and their actions, but those past Canadian governments were wise. They knew that without dialogue positive change would simply not be possible.

Severing ties with Iran has helped no one. It has not helped Canadians, nor our allies, including Israel, and certainly not the people of Iran.

The Government of Canada is committed to cautious re-engagement with Iran in a step-by-step manner. This week, for the first time, the Minister of Foreign Affairs met his Iranian counterpart and initiated a dialogue on a number of issues, including human rights, regional security and, importantly, consular cases. This is the value of our cautious engagement. It allows for dialogue on pressing, very challenging issues. We cannot facilitate progress if we are not at the table.

Engagement, however, does not mean support for a nation's actions. We have expressed, and will continue to express, our serious concerns with Iran's atrocious human rights record and support for terrorist groups. We continue to call Iran to account for its actions. For example, Canada intends to lead the resolution regarding human rights in Iran at the UN General Assembly's 71st session. The resolution criticizes Iran's actions and reinforces our human rights expectations of Iran. Engagement allows us to hold Iran to account.

Engagement is a much more difficult path than retreat and withdrawal. Our government knows that the harder path is the right path, and we are not alone. We are joined by our allies: Sweden, United Kingdom, France, and Finland. All have seen that re-engagement with Iran is the way forward.

The promotion and protection of all human rights is an integral part of Canada's constructive engagement, which is why, as part of the Government of Canada's commitment to human rights, the Minister of Foreign Affairs announced the establishment of the Office of Human Rights, Freedoms and Inclusion. The new office includes freedom of religion or belief as part of an expanded comprehensive vision that includes all human rights. This allows Canada to be a more effective defender of universal human rights.

Of note, a recent audit report on the former office, the Office of Religious Freedoms, said that the narrow focus on only religious freedom limited the ability of programs to accomplish their goals. By broadening the mandate, our government is better able to promote and protect core Canadian values. Furthermore, we have significantly increased funding dedicated to the promotion of human rights, including freedom of religion or belief. The government allocated up to \$15 million for the Office of Human Rights, Freedoms and Inclusion, three times the amount originally committed to the former office.

Yesterday, the Minister of Foreign Affairs announced funding support to three new projects: the lifeline project, to help protect threatened human rights defenders; a partnership with UNESCO and the United States Holocaust Memorial Museum to improve education about genocide; and a project at Equitas International Centre For Human Rights Education in Sri Lanka.

I am proud to say that as part of our efforts all Canadian heads of mission have been tasked with promoting human rights, including religious freedom, as part of their core objectives. Where the past administration had one champion, we have all 135 of our ambassadors.

There is still much to be improved upon in the field of human rights at home and abroad, and Canada is working continuously to promote positive change.

● (1825)

Mr. Garnett Genuis: Madam Speaker, I have four brief points in my one minute.

First, the parliamentary secretary made absolutely no effort to even approach my question about the safety of our diplomats. I hope she will correct that mistake in her response.

Second, she has not address the fact that this new office does not have an ambassador. It is not good enough to say that we have many ambassadors that work on a range of issues. It is critical to have a human rights champion who is providing that education and support.

Third, we do not disagree with the need for certain back channel forms of dialogue on issues that reflect our values and our interests. What we object to is giving something for nothing to a regime that is fundamentally wrong on human rights issues.

Fourth, I wish the parliamentary secretary would stop using the banal relativist language "regimes with which we disagree". These are not regimes with which we disagree. Rather, they are regimes that are fundamentally wrong in their view of international human rights and basic human dignity.

Ms. Pam Goldsmith-Jones: Madam Speaker, human rights are universal, indivisible, interrelated and interdependent. The promotion and protection of human rights, including freedom of religion or belief, are an integral part of Canada's constructive engagement in the world.

The Assistant Deputy Speaker (Mrs. Carol Hughes): The hon. member for Regina—Qu'Appelle is not present to raise the matter for which adjournment notice has been given. Accordingly the notice is deemed withdrawn.

The motion to adjourn the House is deemed to have been adopted. Accordingly the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 6:29 p.m.)

CONTENTS

Thursday, September 22, 2016

ROUTINE PROCEEDINGS

Interparliamentary Delegations

Mr. Oliphant	4945
Mr. Lightbound	4945

Business of Supply

Mr. Brown	4945
Motion	4945
(Motion agreed to)	4945

Petitions

Dementia

Mr. Oliphant	4945
--------------------	------

Justice

Mrs. Wagantall	4945
----------------------	------

Questions on the Order Paper

Mr. Lamoureux	4945
---------------------	------

Resignation of Member

Mr. Kenney	4946
Ms. Ambrose	4948
Mr. Lamoureux	4949
Mr. Masse (Windsor West)	4950

GOVERNMENT ORDERS

Business of Supply

Opposition Motion—Appointments to the Supreme Court

Mr. Nicholson	4951
Motion	4951
Mr. Rankin	4952
Ms. Bergen	4952
Mr. Cooper	4953
Mr. Casey (Charlottetown)	4954
Mr. Rankin	4954
Mr. Albas	4954
Ms. Wilson-Raybould	4954
Mr. Cooper	4956
Mr. Rankin	4957
Mr. Casey (Charlottetown)	4957
Mr. Doherty	4957
Mr. Lamoureux	4958
Mr. Rankin	4958
Mr. Casey (Charlottetown)	4960
Ms. Malcolmson	4961
Ms. Kwan	4961
Mr. Strahl	4961
Mr. Casey (Charlottetown)	4963
Ms. Bergen	4963
Mr. O'Toole	4963
Mr. Lametti	4965
Mr. Doherty	4965
Mr. Lametti	4965
Mrs. McLeod (Kamloops—Thompson—Cariboo)	4967

Mr. Casey (Charlottetown)	4967
Mr. Arseneault	4967
Mrs. McLeod (Kamloops—Thompson—Cariboo)	4969
Mr. Lamoureux	4969
Mr. Brassard	4969
Mr. Mendicino	4971
Mr. Kmiec	4971
Mr. Amos	4971
Mr. Clarke	4971
Mr. Lightbound	4973
Mr. Doherty	4973
Ms. Gladu	4973
Mr. Fraser (Central Nova)	4974
Mr. Arnold	4975
Mrs. Jordan	4975
Mrs. McLeod (Kamloops—Thompson—Cariboo)	4976
Ms. Hutchings	4976

STATEMENTS BY MEMBERS

Carp Fair

Mrs. McCrimmon	4977
----------------------	------

Norman Kwong

Mr. Liepert	4977
-------------------	------

Say “Hi” Day

Mr. Tabbara	4977
-------------------	------

Louiseville Buckwheat Pancake Festival

Ms. Brosseau	4978
--------------------	------

James Alexander MacKenzie

Mr. Simms	4978
-----------------	------

Palliative Care

Ms. Gladu	4978
-----------------	------

Brampton East

Mr. Grewal	4978
------------------	------

Paul Demers

Mr. Lefebvre	4978
--------------------	------

Hockey in Clinton

Mr. Lobb	4979
----------------	------

2016 Olympians and Paralympians

Mrs. Schulte	4979
--------------------	------

Electoral Reform

Mr. Lightbound	4979
----------------------	------

China

Mr. Lukiwski	4979
--------------------	------

Adrienne Clarkson Prize for Global Citizenship

Ms. Ratansi	4979
-------------------	------

Windsor—Tecumseh

Ms. Hardcastle	4980
----------------------	------

Religious Freedom	
Mr. Kenney	4980
Canada-China Relations	
Mr. Chen	4980

ORAL QUESTIONS

Government Expenditures	
Ms. Ambrose	4980
Mr. Trudeau	4980
Ms. Ambrose	4980
Mr. Trudeau	4981
Ms. Ambrose	4981
Mr. Trudeau	4981

The Economy	
Mr. Kenney	4981
Mr. Trudeau	4981

Foreign Affairs	
Mr. Kenney	4981
Mr. Trudeau	4981
Mr. Mulcair	4981
Mr. Trudeau	4981
Mr. Mulcair	4982
Mr. Trudeau	4982

Indigenous Affairs	
Mr. Mulcair	4982
Mr. Trudeau	4982
Mr. Mulcair	4982
Mr. Trudeau	4982

Government Expenditures	
Mr. Gourde	4982
Ms. Chagger	4982
Mr. Gourde	4982
Ms. Chagger	4982
Ms. Bergen	4983
Ms. Chagger	4983
Ms. Bergen	4983
Ms. Chagger	4983
Mrs. Vecchio	4983
Ms. Chagger	4983
Mrs. Vecchio	4983
Ms. Chagger	4983

Canada Revenue Agency	
Mr. Dusseault	4983
Mrs. Lebouthillier	4983
Mr. Caron	4983
Mrs. Lebouthillier	4984

Government Expenditures	
Mr. Godin	4984
Ms. Chagger	4984
Mr. Godin	4984
Ms. Chagger	4984
Mr. Calkins	4984
Ms. Chagger	4984
Mr. Calkins	4984

Ms. Chagger	4984
-------------------	------

Health	
Mr. Davies	4984
Mrs. Philpott	4985

Public Services and Procurement	
Ms. Boutin-Sweet	4985
Ms. Foote	4985

Public Safety	
Mr. Kang	4985
Mr. Goodale	4985

Foreign Affairs	
Mr. Kent	4985
Ms. Goldsmith-Jones	4985
Mr. Kent	4985
Ms. Goldsmith-Jones	4985

Marijuana	
Ms. Harder	4986
Mrs. Philpott	4986

Justice	
Mr. Cooper	4986
Ms. Wilson-Raybould	4986

Steel Industry	
Mr. Duvall	4986
Mr. Bains	4986
Ms. Ramsey	4986
Mr. Bains	4986

Natural Resources	
Mr. Barlow	4986
Mr. Carr	4987

Agriculture	
Mr. Barlow	4987
Mr. MacAulay	4987

The Economy	
Mr. Anderson	4987
Mr. Carr	4987

Canada Revenue Agency	
Mr. Graham	4987
Mrs. Lebouthillier	4987

Regional Economic Development	
Mr. Paul-Hus	4987
Mr. Bains	4988

Status of Women	
Ms. Malcolmson	4988
Ms. Hajdu	4988

Health	
Ms. Dzerowicz	4988
Mrs. Philpott	4988

Government Expenditures	
Ms. Rempel	4988
Ms. Chagger	4988

Health	
Mr. Fortin	4988
Mrs. Philpott	4988
Softwood Lumber	
Mr. Thériault	4989
Mr. Lametti	4989
Presence in Gallery	
The Speaker	4989
Business of the House	
Ms. Bergen	4989
Ms. Chagger	4989
Points of Order	
Standing Committee on Health	
Mr. Poilievre	4989

GOVERNMENT ORDERS

Business of Supply	
Opposition Motion—Appointments to the Supreme Court	
Motion	4990
Ms. Hutchings	4990
Ms. Raitt	4991
Mr. Angus	4991
Mr. Fraser (West Nova)	4991
Ms. Raitt	4992
Mr. Casey (Charlottetown)	4993
Mr. Nantel	4993
Mr. Genuis	4994
Mr. Casey (Charlottetown)	4995
Mr. Angus	4996
Mr. Samson	4996
Mr. Cooper	4997
Mr. Aubin	4997
Mr. Arnold	4998
Mr. Fraser (West Nova)	4998
Mr. Cooper	4999

ROUTINE PROCEEDINGS

2017 Calendar	
Mr. Graham	5000
motion	5000
(Motion agreed to)	5000

Committees of the House	
Government Operations and Estimates	
Mr. Lamoureux	5000
Motion	5000
(Motion agreed to)	5000

GOVERNMENT ORDERS

Business of Supply	
Opposition motion—Appointments to the Supreme Court	
Mr. Angus	5000
Mr. Fraser (West Nova)	5000
Mr. Gourde	5000
Mr. Lamoureux	5001
Mr. Aubin	5002
Mr. Kmiec	5002
Mr. Casey (Charlottetown)	5004
Mr. Blaikie	5004
Mr. Choquette	5004
Mr. Casey (Charlottetown)	5006
Mr. Blaikie	5006
Ms. Moore	5006
Division on motion deferred	5007

PRIVATE MEMBERS' BUSINESS

Canada Labour Code	
Bill C-234. Second reading	5007
Mr. Genuis	5007
Ms. Benson	5008
Mr. Graham	5010
Ms. Moore	5011
Mr. Aubin	5012
Ms. Trudel	5013
Division on motion deferred	5014

ADJOURNMENT PROCEEDINGS

Post-Secondary Education	
Mr. Cannings	5014
M. Champagne	5015
Foreign Affairs	
Mr. Genuis	5016
Ms. Goldsmith-Jones	5016

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