



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

House of Commons Debates

VOLUME 148 • NUMBER 249 • 1st SESSION • 42nd PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Monday, December 11, 2017

Speaker: The Honourable Geoff Regan

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HOUSE OF COMMONS

Monday, December 11, 2017

The House met at 11 a.m.

Prayer

PRIVATE MEMBERS' BUSINESS

•(1105)

[*English*]

RECOGNITION OF CHARLOTTETOWN AS THE BIRTHPLACE OF CONFEDERATION ACT

The House resumed from December 4 consideration of the motion that Bill S-236, An Act to recognize Charlottetown as the birthplace of Confederation, be read the third time and passed.

Hon. K. Kellie Leitch (Simcoe—Grey, CPC): Mr. Speaker, it gives me great pleasure this morning to rise to speak to Bill S-236, an act to recognize Charlottetown as the birthplace of Confederation.

Confederation is an important event for Canadians, but especially for Conservatives, since two Conservatives, Sir John A. Macdonald, our first prime minister, and George-Étienne Cartier, a minister and Quebec lieutenant, were involved in making sure that this country came together.

Sir John A. Macdonald, as our first prime minister, was at the Charlottetown Conference that took place between September 1 and 7 of 1864. It changed the course of Canadian, North American, and world history.

What would Canada be if not for John A. Macdonald, a man with a vision of a Canada from coast to coast, and of delegates in Charlottetown, recognizing that we would be stronger together? How would the manifest destiny so loudly proclaimed by our southern neighbours have turned out? They had tried invasion once before, only to be foiled by a combination of British redcoats, English and French-speaking Canadian militia, and loyal indigenous warriors, who worked together to bravely keep the invading Americans at bay.

We managed in that campaign to occupy Detroit and burn down half of the White House, but that is another story.

While we had repelled the Americans once before, many here in British North America at that time were very worried about a potentially victorious Union army turning its Civil War guns north

and taking our territory. They had already taken a good chunk of Mexico only 20 years earlier.

Many of our early leaders thought we would be stronger together than we would be apart, and they were most certainly correct. We cannot say for sure if Confederation kept the Americans from launching a second invasion, but it certainly did not hurt.

Since Confederation, what about the contributions that Canadians have made to the world, in sports, medicine, industry, science, and our brave contributions to numerous wars, conflicts, and peace-keeping operations, where Canadians have always punched above their weight? These contributions were certainly aided by an optimistic and forward-looking country that continues to defy the odds. If Canada did not form as one, and each region of our nation was its own entity, would different parts of Canada have the same voice internationally as our united Canada has had throughout our history? I would say, likely not.

We would not be in the G7. We would not have the same sporting record, particularly Team Canada, women and men on the international stage. We would not have the enviable list of inventors, like Sir Frederick Banting, who is from my riding of Simcoe—Grey. We would not have come together in that meeting. We would not have had that opportunity in Charlottetown in 1864.

Charlottetown was in many ways the ideal location for such a conference. It was not involved in the daily tug-of-war among the provinces of Canada, nor the larger Maritime partners of New Brunswick and Nova Scotia. Charlottetown and Prince Edward Island were a neutral ground, where all players could speak freely.

At that conference, the delegates from the regions that now represent Quebec and Ontario were not even invited to begin with. The original conference was to discuss a maritime union between New Brunswick, Nova Scotia, and Prince Edward Island. When the Province of Canada heard about the conference, members invited themselves. It was an invitation to pitch a full union between the Maritimes and the Province of Canada. While welcome, their arrival did not stir much excitement, and why was that? Quite literally, it was because a circus had come to Charlottetown for the first time in 20 years, and the whole town was occupied with those sights and sounds, not something else.

Having been recently at my own party's leadership convention, which was held right beside an anime convention, I have a pretty good idea of what was going on in Charlottetown that day.

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Despite the lacklustre start, meetings proceeded over the next few days with great success. What was even more successful were the relationships forged between individuals from across our then fledgling country. I am sure that the welcoming and friendly atmosphere, still present today, had something to do with building those friendships in Charlottetown.

● (1110)

I am also quite certain that the boatload of champagne, that today would cost about \$200,000, contributed just a tad to making sure that people got along. That is Charlottetown.

Each time I have visited, I have felt the warmth of its presence. In fact, I and my family, this past February, learned of our own family farmstead, the Conway farmstead on Prince Edward Island. Charlottetown is friendly. Friendships are easily made. Charlottetown stays in one's memory.

There is no place in Canada that I could think would have been a better place to host the leaders of the Maritimes and the provinces of Canada. It certainly worked. Charlottetown, aided by a bit of champagne, charmed the delegates into unanimous support of the creation of a united Canada, based on the values we hold dear today. There were a number of steps afterward that led to the creation of Canada and what we would be known to become on the international stage. Quebec, a month later, nailed down the final details, then meetings in all the colonies to approve the union, and then finally in London in 1866, there was the approval of Her Majesty Queen Victoria.

Charlottetown is where it started and, for this, I am happy to say that Charlottetown is the birthplace of Confederation. It is also why I am happy to support this bill.

Mr. Robert Morrissey (Egmont, Lib.): Madam Speaker, I am pleased to rise in the House today to speak in support of Bill S-236 that was introduced by my colleague, the member of Parliament for Malpeque. It was interesting to listen to my colleague, the opposition member, speak about the recognition that indeed Charlottetown is birthplace of Confederation and of this wonderful country we call Canada.

Why I want to speak in support of the bill today is because my political career began in the Legislative Assembly of Prince Edward Island. I will be the only member voting in support of this piece of legislation who has sat in the Legislative Assembly of Prince Edward Island, with the hope that the House will recognize Charlottetown as the birthplace of this wonderful country. In that, I have a great deal of honour in having sat in that assembly and now being in the House of Commons when this bill is being debated.

The history of how the meeting came about has been well documented. It was a meeting organized by maritime colonies to consider a union among the colonies. The Upper Canadian colonies invited themselves, literally, to attend the conference. From that, it is documented in history that, through that conference, a shared vision was created of a union of the British North American colonies and the creation of this new country.

When we look at Canada today as being a beacon in the world for people fleeing oppression, war, and various other atrocities occurring across the world, we can look at the creation of this country. What I

am particularly proud of, as a parliamentarian sitting today in the House of Commons, is the diversity of the backgrounds of the people sitting in the House of Commons representing this country.

In my own case, on my father's side, my ancestry is Irish. We all know that the Irish fled Ireland during the Great Famine to come to a new world for new opportunities, and they found it in Canada, on Prince Edward Island. On my mother's side, my ancestry is French Acadian. My ancestors fled Grand-Pré in Nova Scotia. They were fleeing strife and war, and found a welcoming environment in Prince Edward Island. To this day, this country still reaches out to people fleeing oppression, war, and a number of atrocities across the world. That is what Canada is all about, and that is why I am proud to be a parliamentarian standing for those freedoms and rights.

We cannot forget that it was the indigenous people who welcomed us. Regardless of our cultural backgrounds, they welcomed us here. It was the Mi'kmaq of Prince Edward Island who welcomed the Acadians as they were being expelled by the British from Grand-Pré in Nova Scotia. They also welcomed the Irish who were forced to flee Ireland due to famine.

Today, having the opportunity to speak in support of Bill S-236 that would recognize Charlottetown as the birthplace of Confederation, is indeed an honour for me, as I indicated, having served in the Legislative Assembly of Prince Edward Island for 18 years. I can recall the first time that I took my seat in that legislative assembly. I looked around and, although small, I recognized the history of that chamber.

● (1115)

From that meeting, in that chamber, this wonderful country, this great nation called Canada, came about. We owe our forefathers, who had the vision at that time, to recognize that we had to overcome a number of obstacles and disagreements to come up with a shared vision. That shared vision continues. It is debated from time to time, and each new Parliament adds dimension to that vision as Canada evolves as a nation on the world stage.

From where we are today, it all began in Charlottetown, Prince Edward Island. That is why I am pleased to speak in the House of Commons here today, now as a member of Parliament from Prince Edward Island, in support of Bill S-236 that will recognize Charlottetown as the birthplace of Confederation.

[Translation]

Mr. Steven MacKinnon (Parliamentary Secretary to the Minister of Public Services and Procurement, Lib.): Madam Speaker, I rise in the House to support the bill before us.

[English]

I do so with considerable pride. As I join my colleagues who represent the great people of Prince Edward Island, I do so as a proud native of the city of Charlottetown and a proud son of Prince Edward Island.

The fact is that this bill, as necessary as it has now become, is really just a statement of historical fact. In 1864, the Fathers of Confederation came together on Great George Street in Charlottetown to lay the foundation and lay the principles of what has, today, become a great nation. The people of Charlottetown and the people of Prince Edward Island, throughout my lifetime and before, have always celebrated the fact, with great pride and distinction, that it is there, in Prince Edward Island, that this country was born, that those who have founded this great country have put the principles and the compromises in place that make Canada what it is today.

Very briefly, as a son of Prince Edward Island, I want to add my voice and my support, and my thanks to my colleagues from Prince Edward Island, to the member for Malpeque, and to the member for Egmont, both of whom I have known for many decades, and all of the great people of Prince Edward Island. I express with considerable pride and with consideration passion my support for the bill before this House.

• (1120)

Hon. Wayne Easter (Malpeque, Lib.): Madam Speaker, this is the moment we have been waiting for, and I will conclude with many thanks to all colleagues who have contributed to the debate and discussion of Bill S-236, an act to recognize Charlottetown as the birthplace of Confederation, including especially those who took the time during third reading to express their vision for Canada's future.

I want to quote a member from each of the parties. The member for Carlton Trail—Eagle Creek, with the official opposition, said:

This bill gives us the wonderful opportunity to remember and honour our national history, to recall the humble beginnings and soaring dreams of the first of our leaders, who dreamed of a united Canada.

I cannot think of a better way or better time for us to celebrate our accomplishments, both at home and around the world, than by passing a bill like this in our sesquicentennial year.

The member for Victoria, with the third party, said:

Being proud of a country's heritage and commemorating important historical events is worthwhile for most countries, but I think it is especially so for Canada. We should feel proud of our accomplishments. We are a country comprising remarkably diverse regions and remarkably diverse people.

As Canada moves forward to the next 150 years of nationhood, I hope we can strive to be more inclusive of other voices and cultural narratives so that they might also be celebrated and acknowledged.

The member for Charlottetown said:

As we celebrate the 150th anniversary of Confederation, we can see the evolution of our country, our democracy, and our values. Our very roots, as evidenced by what took place in Charlottetown, were not about conflict or war: They were about finding mutual ground and working out our differences.

Those three quotes, from different parties in this House, sum up to a great extent what Canada is all about. The passing of this bill means a great deal to Prince Edward Island and to our provincial legislature, which passed an unanimous motion encouraging the support of parliamentarians, and to the Atlantic region as we share and develop the Confederation story. For Canada, this has been a chance to recognize and honour Confederation, and reflect on important ways in which we must work to shape the future of our country.

To close, it is the character of Canada, that vision founded in 1864, some of the things coming out of that meeting, that we are a

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country that works by negotiation. We are seen on the world stage in that light as well. It is that idea of coming together in common cause that has shaped our history since its founding.

The Charlottetown Conference certainly may be viewed as the watershed moment in the story of Confederation, the point at which Confederation turned from idea into prospect. This is what Bill S-236 is all about, recognition of Charlottetown as the birthplace of Confederation.

My colleagues and I humbly ask for this House's support in this year of Canada's 150 celebration. It seems quite appropriate to do it at this time. Simply put, I ask the House to get it done and pass Bill S-236.

• (1125)

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.

(Motion agreed to, bill read the third time and passed)

SUSPENSION OF SITTING

The Assistant Deputy Speaker (Mrs. Carol Hughes): Accordingly, the House is now suspended until 12 noon.

(The sitting of the House was suspended at 11:26 a.m.)

• (1200)

SITTING RESUMED

(The House resumed at 12 p.m.)

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[*English*]

CRIMINAL CODE

The House proceeded to the consideration of Bill C-51, An Act to amend the Criminal Code and the Department of Justice Act and to make consequential amendments to another Act, as reported (with amendment) from the committee.

The Assistant Deputy Speaker (Mrs. Carol Hughes): There being no motions at report stage of the bill, the House will now proceed, without debate, to the putting of the question on the motion to concur in the bill at report stage.

Hon. Carolyn Bennett (for the Minister of Justice) moved that the bill be concurred in.

The Assistant Deputy Speaker (Mrs. Carol Hughes): Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed

The Assistant Deputy Speaker (Mrs. Carol Hughes): When shall the bill be read a third time? By leave, now?

Some hon. members: Agreed.

Hon. Carolyn Bennett (for the Minister of Justice) moved that the bill be read the third time and passed.

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Mr. Marco Mendicino (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, our government was proud to introduce Bill C-51 on June 6, 2017. That day marked an important milestone in our ongoing efforts to make the criminal law fairer, clearer, more relevant, accessible, and compassionate.

Since that time, Bill C-51 has been the subject of extensive and compelling debate both at the second reading stage and during its study by the House of Commons Standing Committee on Justice and Human Rights.

I want to offer my thanks to the many members who have participated in these debates and to members of the standing committee in particular, whose deliberations strengthened Bill C-51 through amendments that seek to further the objectives we identified when we introduced this important legislation.

[*Translation*]

I would also like to extend my great appreciation to the many witnesses who took the time to examine the bill and appear before the Standing Committee on Justice and Human Rights. Although I may not agree with all the points that were made by the witnesses who spoke to this bill, I fully recognize the importance of their contributions because they have allowed Parliament to have a rich and thorough discussion on the bill.

[*English*]

I now want to walk through the changes included in Bill C-51. These have received broad support in this House, at committee, and among key stakeholders.

Bill C-51 seeks to address sexual assault, an issue that could scarcely be more relevant, given the present Canadian and international discourse on this important subject. Survivors of sexual assault and other forms of sexual misconduct are standing up and speaking out as never before. I am proud to say that our government stands behind survivors and that we are adding our voice to theirs by bringing change on numerous fronts, including the reforms set out in Bill C-51.

The bill proposes amendments that build upon an already robust legal framework that has been consistently regarded as one of the best sexual assault regimes in the world. However, despite its explicit acknowledgement that outdated myths about a victim's sexual history should have no bearing on whether she should be believed, and despite the clear rules about when consent is or is not valid in law, challenges remain.

What are those challenges? We know that sexual assaults continue to occur far too often in Canada. According to Statistics Canada, there were approximately 21,000 police-reported sexual assaults in Canada in 2016. That is an average of 57 sexual assaults every day in Canada. That number is staggering, but when, according to the general survey on victimization, only five per cent of sexual assaults experienced by Canadians over 15 are reported to the police, the likely number of actual sexual assaults that occur every day in Canada becomes unfathomable and could well be over 1,000 incidents every day. When thinking about those numbers and the fact that so many cases of sexual assault go unreported, we must think about what we can do to not only reduce the incidence of sexual

assault in Canada but ensure that more victims, and let us be clear that this is a gender-based crime that disproportionately targets women and girls, feel encouraged to come forward to report their experiences to the police and to law enforcement.

One way we can, at the federal level, help encourage women to come forward is through law reform that increases the likelihood that our laws will be applied as they were intended, and in so doing, reduce the potential for unnecessary distress experienced by victims who participate in the criminal justice process. That is what Bill C-51 proposes to do. As introduced, it would make important changes to clarify the law, including by making clear that consent must be affirmatively expressed by words or actively expressed through conduct. This principle would codify the Supreme Court of Canada's 1999 Ewanchuk decision and make clear that there is no consent unless the complainant said yes through words or through conduct. Passivity is not consent.

● (1205)

[*Translation*]

We have also codified the principle set down by the court in its 2011 decision in *R. v. J.A.*, where the court held that a person cannot consent in advance to sexual activity that occurs while they are unconscious.

[*English*]

The Standing Committee on Justice and Human Rights heard a number of witnesses on this particular amendment. Some witnesses expressed their support for this codification, but others argued that it did not entirely or accurately codify the court's findings in *R. v. J.A.* Those witnesses argued that *J.A.* stands for a broader proposition. They noted that the court held that our consent law requires ongoing conscious consent and that partners have to be capable of asking their partners to stop at any point. Our government was listening carefully to witnesses and members, and we are pleased to support the committee's amendment to Bill C-51 that would codify this broader principle from *J.A.* Doing so is in keeping with the objectives of the bill, including to ensure that the Criminal Code is clear and reflects the law as applied by the courts.

[*Translation*]

Bill C-51's proposed sexual assault reforms do more, however, than simply codify key Supreme Court decisions. They will also create a new regime governing the admissibility of evidence in the hands of an accused person, where that evidence is a complainant's private record. At its core, this regime is anchored in the following key principles.

First, it respects the fair trial rights of the accused in that it does not prevent relevant evidence from being used in court. The Supreme Court has already recognized that an accused's right to full answer and defence does not include a right to defence by ambush.

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[*English*]

Second, it acknowledges the privacy interests of a complainant. While privacy interests do not trump all else, the regime seeks to acknowledge that victims of sexual assault and other related crime, even when participating in a trial, have a right to have their privacy considered and respected to the greatest extent possible.

Finally, the regime seeks to facilitate the truth-seeking function of the courts by ensuring that evidence that is clearly irrelevant to an issue at trial is not put before the courts, with its potential to obfuscate and distract the trier of fact.

These are important changes and ones that have been called for by Parliament. In their 2012 report on the third-party-records regime in sexual assault proceedings, the Senate Standing Committee on Legal and Constitutional Affairs recommended the enactment of a regime governing the admissibility of a complainant's private records in the hands of an accused. I am pleased that we are doing so as part of Bill C-51.

The second major aspect of Bill C-51 is its proposal to clean up the Criminal Code by removing offences that are no longer relevant because they address conduct that is not inherently blameworthy, because the criminal law should not be used to target such conduct, or because the conduct is addressed by other offences of general application.

To be clear, a foundational principle upon which our criminal law is based is that of restraint. This means that we, as parliamentarians, should ensure that criminal offences, with all the attendant stigma and consequences associated with being called a criminal, are only used to address conduct that cannot or should not be addressed through other mechanisms. Bill C-51 would reflect this principle by removing offences such as the prohibition on advertising the return of stolen property “no questions asked”, a provision under section 143; making crime comics; challenging someone to a duel; and impersonating someone during a university exam.

• (1210)

[*Translation*]

I am confident that removing these offences will have no adverse consequences and will help make our criminal law more reflective of the values Canadians hold dear in 2017.

[*English*]

Bill C-51 would make other important changes to remove offences that are no longer pertinent in today's society. One such example is the removal of the offence of blasphemous libel under, currently, section 296. This old offence, with its English origins in the 1600s, has as its purpose the suppression of criticism directed at God, the king, and government. Such an offence is a historical holdover and has no place in a liberal democracy, where freedom of expression is enshrined as a constitutionally protected right. In so removing this offence, we would follow the example of the United Kingdom, which repealed its analogous offence almost a decade ago, in 2008.

During the committee proceedings on Bill C-51, we heard testimony from the Centre for Free Expression that we should go further and that in addition to repealing blasphemous libel, our

government should be repealing the offences targeting seditious and defamatory libel as well. Although such amendments would have been outside the scope of the bill, these are interesting suggestions, and they do indeed warrant further discussion.

I know, for example, that England abolished its seditious libel offences in 2009. I also know that there are divergent opinions on whether defamatory libel should be criminal. We have all benefited from the discussion on these proposals, and our government will take them under advisement as we continue to examine ways to make our criminal law and criminal justice system more reflective and responsive to the realities of Canada today.

Before moving on, let me talk briefly about the amendment made by the standing committee to Bill C-51, which is supported by our government, that seeks to retain section 176, the offence of interfering with religious services. As the minister said when she appeared before the committee to discuss the bill, the repeal of section 176 would, in fact, not leave a gap in the criminal law's ability to meaningfully respond to the conduct captured by this offence. She also said that its removal would not in any way undermine the ability of Canadians to practice their faith freely and free from violence. Both statements remain true today.

At the same time, we appreciate and acknowledge that for many stakeholders, the removal of the offence would send the wrong message and that in an era when xenophobia and religious intolerance are all too frequent, Parliament has a responsibility to ensure that its actions do not, directly or indirectly, provide opportunities for the promotion of such intolerance.

Our government was listening carefully to members of the religious community, and I am pleased to say that we will support not only the retention of section 176 but an expansion of that section to ensure maximum inclusivity.

[*Translation*]

By way of conclusion on this point, I would note that intolerance of any kind is simply unacceptable, and I know that the vast majority of Canadians, even when they may not share the same religious convictions as their neighbours, will conduct themselves in a manner that is respectful and welcoming. Intolerance that leads to threats or violence must be swiftly addressed by the police, and I know that the criminal law provides them with a broad range of tools to effectively respond to such conduct.

• (1215)

[*English*]

Bill C-51 also reflects our government's unwavering commitment to respect the Charter of Rights and Freedoms. It does so in a number of ways. First, Bill C-51 proposes to amend provisions that have been found unconstitutional by our courts.

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[Translation]

In this vein, Bill C-51 builds on the work we started with Bill C-39, which we introduced on March 8, 2017. Bill C-39 repeals provisions found unconstitutional by the Supreme Court of Canada, as well as the prohibition against anal intercourse that has been found unconstitutional by numerous courts of appeal.

[English]

Bill C-51 seeks to repeal provisions found unconstitutional by appeal courts, and in some cases trial courts, in circumstances where there can be little doubt as to their unconstitutionality. For example, Bill C-51 seeks to repeal the rule that prevents judges from giving enhanced credit for pre-sentence custody for offenders who were detained due to a bail breach. This rule has been found unconstitutional by the Manitoba Court of Appeal and creates a situation where similarly situated offenders can receive substantially different credit for pre-sentence custody, which can undermine public confidence in the administration of justice.

Bill C-51 also proposes to amend a number of provisions that could result in an accused's being convicted for an offence, even though they raised a reasonable doubt as to their guilt. Such an outcome is at odds with the most basic rules and fundamental principles upon which our criminal law is based, not to mention our charter rights.

These changes are important, and we are not waiting for costly unnecessary charter litigation to tell us that these rules are unconstitutional. Making these changes would ensure that our criminal justice system is more efficient and continues to hold offenders to account while reinforcing the fundamental principle that it is the state that bears the responsibility of proving offences beyond a reasonable doubt.

Our respect for the charter is also evident in the changes we are proposing to the Department of Justice Act. Although these changes have not been the subject of significant debate or commentary, a number of witnesses who testified before the justice committee welcomed this innovation in our law.

[Translation]

The amendments proposed in Bill C-51 will require our government, and all future governments, to table in Parliament a statement outlining the potential charter effects of all government legislation. The Minister of Justice has been doing this already as a matter of practice, but with Bill C-51, it will become an obligation.

These charter statements provide information to Parliament, stakeholders, and the public writ large about the charter rights and freedoms that are potentially engaged by a bill and set out how they may be engaged.

[English]

In the charter statement for Bill C-51, for example, the sexual assault reforms are discussed and an explanation is provided on how they interact with an accused's section 7 right to life, liberty, and security of the person. The charter statement further notes how a failure to remove unconstitutional laws can undermine the rule of law, create confusion, and make our Criminal Code less accessible.

I am proud of these reforms and believe that charter statements will quickly become a critical resource for justice system participants, parliamentarians, and members of the public who are interested in learning more about how our laws may engage the charter.

Let me conclude by again thanking all members for their excellent deliberations on Bill C-51. The widespread support it has received is testament to its importance and the need to move forward with these changes. I look forward to continuing to follow Bill C-51's passage through Parliament, and will continue to work diligently to bring forward the kinds of changes needed to address the most pressing challenges facing our criminal justice system today.

Mr. Daniel Blaikie (Elmwood—Transcona, NDP): Madam Speaker, I thank my colleague for his speech, which demonstrates the breadth and scope of the issues being addressed in Bill C-51. One of the issues he addressed had to do with the modification of language around consent to clarify exactly that means in an effort to codify some of the jurisprudence on the issue in the law.

I got to sit in briefly at some of the committee meetings dealing with Bill C-51, and stakeholders expressed a lot of concern, not about the language of unconsciousness itself and the inability to provide consent while unconscious, but the fact that it might be interpreted or argued by some that the emphasis on unconsciousness might rule out some of the other very real barriers to providing consent that are seen to be protected under the law. Our party and the Green Party both suggested amendments that might help allay some of those concerns. They were defeated.

The hon. member mentioned that some amendments were accepted. Did the governing party accept amendments on that particular issue, and if so, how did they address those concerns specifically?

• (1220)

Mr. Marco Mendicino: Madam Speaker, I thank my hon. colleague for his very thoughtful and articulate question.

I agree with him that Bill C-51, in the section that deals with reforming sexual laws, is precisely about clarifying the law. It is about ensuring that we are sensitive to the long-held and inappropriately held myths when it comes to those victims and survivors who have the courage to step forward. By passing this law, we will be reducing the systemic barriers, which for far too long have afflicted the criminal justice system and prevented women and girls from stepping forward.

With respect to the rape shield laws, I want to assure my hon. colleague that all of the amendments were carefully debated at committee. We are grateful to the committee for all of its work and for bringing forward those amendments, which have been adopted by the government. The rape shield provisions are tested in the law. They are about clarifying when consent has been lawfully provided and when it has not. I am encouraged that this bill will ensure more certainty and more clarity on this important subject.

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Mrs. Celina Caesar-Chavannes (Parliamentary Secretary to the Minister of International Development, Lib.): Madam Speaker, I thank my colleague for his very thorough and thoughtful remarks.

Many people in my riding of Whitby, and I am sure in my colleague's riding of Edmonton, and across the country were very much seized with the #MeToo campaign and the notion that women have come forward, but that a number of their complaints have either not been followed through or the women have not received the adequate justice they need.

Could my hon. colleague explain to my constituents, as well as his, and to all Canadians how this piece of legislation and the amendments brought forward could strengthen our current legislation and allow women to feel they will have justice at the end of the day?

Mr. Marco Mendicino: Madam Speaker, I have the privilege of working with my colleague very closely on this important file. In fact she joined me very recently in my riding of Eglinton—Lawrence where we talked about criminal justice reform.

To answer the member's question, this bill will enable and empower women and survivors to step forward in a number of important ways. Number one, it will clarify our sexual assaults laws. It is very important that women know that they have the support they need from law enforcement, from our laws, from all stakeholders in the criminal justice system. It will do that.

It will clarify the laws around consent. It will ensure that an accused who is charged with this crime will not be able to rely on evidence of propensity, which is far too prejudicial and which we know far too often depends on old, outdated myths and stigmas. Bill C-51 is all about reducing those systemic barriers.

I want to applaud my hon. colleague for all the work she does in supporting women and survivors on this important file.

Hon. Tony Clement (Parry Sound—Muskoka, CPC): Madam Speaker, I want to follow up on that very same question, because in Muskoka and Parry Sound, the number of so-called dropped cases has been amongst the highest in the nation. We have been working very closely with the OPP in Muskoka and Parry Sound, based on a Swedish model, where there is accountability, transparency, proper training, and a respect for the victims who have come forward.

Would the hon. member agree that it is that kind of holistic solution, not only in legislation but also with the police services working with the community generally and those who deal specifically with sexual assault cases, that can bring these issues to better justice?

•(1225)

Mr. Marco Mendicino: Madam Speaker, I indeed agree with those sentiments. I thank my hon. colleague for the way he carefully articulated them.

In addition to the reforms that Bill C-51 will be implementing to clarify the law around sexual assault and consent, I want to point out a number of important initiatives that the government has supported to support victims and survivors of sexual assault.

Number one, we have provided additional funding and resources to legal aid. In addition to that, we have implemented a pilot project in Ontario, in Newfoundland and, most recently, in Nova Scotia to provide free legal aid services for a certain number of hours for the victims who step forward, who have serious or any allegations of sexual assault. That is the kind of enhanced access to justice that I know my hon. colleague supports.

Mr. Daniel Blaikie: Madam Speaker, I want to come back to my previous question because I did not hear in the answer from the parliamentary secretary a reference to any particular amendment that has been adopted to address some of the concerns raised about what Bill C-51 might mean for the consent regime. I take his point that the goal of government is to provide greater clarity. Nonetheless, concerns have been raised by people who work with victims of sexual violence that notwithstanding the government's best intentions, it might inadvertently be changing the threshold for consent by tying it too closely to consciousness. The law currently recognizes a lot of other barriers to consent that one does not have to be unconscious for, because one can be conscious and have other reasons for why consent would not be valid.

Our party suggested alternative language through its amendments that would provide greater clarity and ensure that those existing protections under the law are not inadvertently voided by Bill C-51. The government did not take the opportunity to use that language. I did not hear a reference to amendments in his previous answer. Why did the government pass on that opportunity to provide greater clarity, which, according to the parliamentary secretary himself, is the purpose of Bill C-51?

Mr. Marco Mendicino: Madam Speaker, what Bill C-51 does is to clarify that there are two separate sets of circumstances wherein consent to sexual activity cannot be obtained: first, when the complainant is unconscious; and, second, when the complainant is incapable of consenting for any other reason. This is entirely consistent with the Supreme Court of Canada's decision in the J.A. case, and it is backed by the experts who testified before the committee. The committee heard that evidence. It carefully debated it. It has referred all of its deliberations back to this House, with the adoption of the amendments that had been put forward.

I appreciate my colleague's question. However, I want to assure him and all members of the House that Bill C-51 codifies carefully enunciated principles by the Supreme Court of Canada in the decision of J.A., which clarify when consent is provided and, most importantly, when it is not.

Hon. Rob Nicholson (Niagara Falls, CPC): Madam Speaker, I am pleased to rise in the House today to speak to Bill C-51. The stated purpose of the bill is to streamline the Criminal Code of Canada by removing certain provisions that no longer have any relevance in contemporary society.

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I agree with many of the revisions, such as the removal of clause 41 of section 365 of the Criminal Code, which states, “Every one who fraudulently (a) pretends to exercise or to use any kind of witchcraft, sorcery, enchantment or conjuration”; and clause 4, the removal of section 71 pertaining to duelling in the streets, “Every one who (a) challenges or attempts by any means to provoke another person to fight a duel, (b) attempts to provoke a person to challenge another person to fight a duel, or (c) accepts a challenge to fight a duel”. These are a number of the provisions to be removed.

I suppose the government may argue that the provisions against duelling have worked, because it has disappeared from our streets. Therefore, people certainly got the message a long time ago. Witchcraft and neighbourhood duelling no longer have any bearing on our society today. That is one point on which we can agree.

The Conservative Party is also aligned with the strengthening of the provisions of the sexual assault legislation and, indeed, has led the way for supporting victims of sexual assaults by, among other things, the private member's bill introduced by former Conservative leader, Rona Ambrose, Bill C-337. The bill would make it mandatory for judges to participate in sexual assault training and ensure awareness in the judiciary in addition to education about the challenges sexual assault victims face. Her bill was designed to hold the Canadian judiciary responsible for the ongoing training of judges and the application of law in sexual assault trials.

Essentially, Bill C-337 would ensure the following. It would require that lawyers receive training in sexual assault as a criterion of eligibility for a federally appointed judicial position; that the Canadian Judicial Council provide an annual report to Parliament on the details of the type of sexual assault training offered and judicial attendance at the training, as well as the number of sexual assault cases heard by a judge before having received adequate sexual assault training; and that judges provide written reasons on decisions with regard to sexual assault.

As we will remember, this bill was passed in the House of Commons, and we were all very grateful to see it passed. It is now in the Senate and I hope the Senate will get the message and move forward on the bill, which has the support of this chamber and, I believe, Canadians across the country.

We are pleased the Liberals have followed our lead with regard to strengthening sexual assault provisions in the Criminal Code surrounding consent, legal representation, and expanding the rape shield provisions. The Conservative Party always stands up for the rights of victims of crime and have done so consistently, among other things, including the Canadian Victims Bills of Rights passed in 2015.

Bill C-51 would amend, among other things, section 273.1 to clarify that an unconscious person is incapable of consenting. Again, as my colleague pointed out, this is a reflection of the Supreme Court of Canada's decision in *Regina v. J.A.* It proposes to amend section 273.2 to clarify the defence of mistaken belief if consent is not available and if the mistake is based on a mistake of law, for example, if the accused believed that the complainant's failure to resist or protest meant the complainant consented. This, as was pointed out in the earlier speech of the parliamentary secretary,

codifies a number of aspects of the Supreme Court of Canada's decision in *R v. Ewanchuk* from 1999.

As well, the bill would expand the rape shield provisions to include communications of a sexual nature or communications for a sexual purpose. These provisions provide that evidence of a complainant's prior sexual history cannot be used to support the inference that the complainant was more likely to have consented to the sexual activity in issue or that the complainant is less worthy of belief.

● (1230)

In addition, the bill would provide that a complainant would have a right to legal representation in rape shield cases, which I believe is very important. It would create a regime to determine whether an accused could introduce a complainant's private records at trial, which would be in his or her possession. This would complement the existing regime governing an accused's ability to obtain a complainant's private records when those records would be in the hands of a third party.

As I mentioned at the outset, some proposed changes we were adamantly against. As it turns out, thousands of Canadians were also adamantly against the removal of section 176 of the Criminal Code, the section of the Criminal Code that provides protection for religious services.

I would be hard-pressed in my career to know when I have received more emails, or more petitions or correspondence than on this section. When Bill C-51 was first introduced, the government interestingly enough made no mention whatsoever of the fact that it would remove the section that directly protected religious services and those who performed those services.

I was a little taken aback when I read legislation and I saw the removal of section 176. Even though I have practised some criminal law in my career, I had to check exactly what section we were talking about and, indeed, this was the section that said among other things:

(1) Every one who (a) by threats or force, unlawfully obstructs or prevents or endeavours to obstruct or prevent a clergyman or minister from celebrating divine service or performing any other function in connection with his calling, or (b) knowing that a clergyman or minister is about to perform, is on his way to perform or is returning from the performance of any of the duties or functions mentioned in paragraph (a) (i) assaults or offers any violence to him, or (ii) arrests him on a civil process, or under the pretence of executing a civil process, is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years. (2) Every one who wilfully disturbs or interrupts an assemblage of persons met for religious worship or for a moral, social or benevolent purpose is guilty of an offence punishable on summary conviction. (3) Every one who, at or near a meeting referred to in subsection (2), wilfully does anything that disturbs the order or solemnity of the meeting is guilty of an offence punishable on summary conviction.

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When the government did not mention this was what it would remove, I remember very clearly saying to my colleagues, when this first came up for second reading debate in June, that they should talk to their constituents and ask them if they thought this was a good idea to remove the section of the Criminal Code that directly protected religious services and if they were aware of the fact that the government now wanted to remove the special protection that members of the clergy had. I asked them see what the response was.

I think my colleagues in the Liberal Party must have heard the message. They would have heard the same things I heard when we brought this to everyone's attention. Interrupting a religious service is not the same as a scuffle, or yelling at a hockey game, or disruption of a meeting. Even people who do not attend religious services would agree that this is more serious. This is the message I certainly hoped the Liberals would get, that this section was and remained critical and removing it would have eliminated the provision that completely protected the rights of individuals to freely practise their religion, whatever that religion may be.

Ironically enough during the very week the justice committee was reviewing the government's plans to remove this, the worst mass shooting in Texas history struck an otherwise quaint small town in that state. Gunman Devin Kelley stormed the First Baptist Church in Sutherland Springs and killed more than two dozen people. The following Sunday, a funeral service was held at the church. The original plan was to hold a small service, but so many people were outraged and moved by this horrible incident that hundreds and hundreds of people came out to show their support for the people of the community. It reiterates the fact that religious freedom is part of the constitution of the United States and it is contained in the First Amendment.

• (1235)

In Canada, our religious freedoms are protected and section 176 of the Criminal Code is part of that protection. Religious freedoms are fundamental to Canadians as well, and the Conservatives are proud to be among the first to stand and support religious freedoms for all faiths.

Faisal Mirza, the chair of the Canadian Muslim Lawyers Association, made a point when he appeared before the committee. He said, "We cannot be blind that the current climate of increased incidents of hate, specifically at places of worship, supports that religious leaders may be in need of more, not less, focused protection." He was referring to the deadly shooting at a Quebec mosque in January, when the lives of six people came to a violent end. Among the victims were parents, civil servants, academics, and people who had left their countries of war to seek a better life in Canada.

Religious crime knows no borders and has no respect of persons. This is why I am pleased to say that, after hearing testimony from faith communities across the country, justice committee members voted to keep section 176 of the Criminal Code in place.

I would like to thank those thousands of Canadians who wrote or emailed their respective members of Parliament. I indicated in my opening comments that I did not remember receiving as much feedback as did on this. I think all members have experienced the

same kind of push-back on this, that the protections provided in section 176 are there for a particular purpose.

Again, I disagree with the comments made by my colleague, the parliamentary secretary, when he pointed out that the Minister of Justice said that these things were still offences under the Criminal Code. It is not the same thing. Disrupting a religious service is not the same as creating mischief somewhere and it is not the same as causing a disruption at a hockey game. Most Canadians would agree with us on this side of the House that this is more serious, and that it should continue to have protection within the Criminal Code.

Again, I find it ironic that when this bill was presented to the public, there was mention of duelling and witchcraft, but not one mention of the fact the government would remove the specific protection for religious services and religious officials.

There was one other section of the Criminal Code I did not agree with the Liberals removing. This is the section that has specific protection if someone attempts to attack the Queen. Some of my colleagues said that these sections were not used very often, or one of my colleagues said that the Queen would not be visiting here very much in the future. Again, I believed this was a bad idea.

When I was at the University of Windsor, I will always remember that one of my law professors pointed out the sections in the Criminal Code with respect to treason. He said that it was great this section was very seldom ever used in Canada, but it did not mean it should be removed. I do not go along with the thinking that if nobody commits treason, then we better get rid of that section in the Criminal Code. That is not how it works. This is still a very serious crime. Again, if anyone attempts to attack the Queen, as Canada's head of state, in my opinion it is not the same as getting into a fist fight at a bar some night. It is important; it has significant aspects.

I have to point out that the timing of this is terrible. This is the 65th anniversary of when the Queen took the throne. Nobody has a better record anywhere of public service in the world today than she has.

• (1240)

It has been consistently going on since before she assumed her reign in 1952 and in her service during World War II. That is what she has done, and again this is the year the Liberals decided they would remove this specific protection against someone who is attempting to attack her.

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That being said, I am pleased that the government caved on section 176. I am very pleased with respect to the clarifications with respect to sexual consent. I am very pleased as well that a number of the sections that are taking up space in the Criminal Code that no longer have any particular relevance are being removed. However, one of the things that something like this has taught us on this side is we have to be very careful. This is the lawyer in me. We have to read the fine print, and the fine print removing the protection for religious services and religious officials is something that we have to be very aware of. I can assure my colleagues on the other side that we will look at all legislation to see if what are supposed to be unintended consequences are in fact consequences of a very serious nature. Again, my heartfelt thanks go out to all those religious institutions, all those Canadians, and all those individuals who spoke up in support of section 176.

• (1245)

Mrs. Celina Caesar-Chavannes (Parliamentary Secretary to the Minister of International Development, Lib.): Madam Speaker, the hon. member spoke to the fact that specifically with section 176 the opposition and Canadians at large pushed to ensure that the section was kept and not only kept but that it was expanded to include not just clergymen, but also the officiants, to include other spiritual leaders. Therefore, I wonder if the hon. colleague could speak to the fact that even though this place might seem very contentious and that we might duel in here, quite often we are very much amenable to taking advice from opposition parties and being a government that is very open to listening to great advice from our opposition members as well as from all Canadians.

Hon. Rob Nicholson: Madam Speaker, I do have to admit that the Liberals certainly got the message on this one here. I remember raising this last June in the committee hearing, and all I kept hearing was that if it is mischief or people try to attack members of the clergy then that is still within the Criminal Code. It was not just our opposition, the Conservatives, who discovering this, made the push for this. As I pointed out in my speech, it was all those constituents of theirs who asked them why they were removing the sections.

However, I will give some credit to the government. I have seen the Liberals scoop up ideas from opposition members and incorporate them into government legislation. The private member's bill with respect to shipwrecks was from the NDP. The Liberals got the message that it was not a bad idea, they put it into government legislation, and I guess we are supposed to say that they should take all the credit for it. I will concede to the hon. member that when the Liberals see an amendment or a private member's bill that they ultimately feel they have no choice but to support, I can say that very often they will either incorporate that into government legislation or make some minor changes so that they can presumably take the credit for it.

Mr. Murray Rankin (Victoria, NDP): Madam Speaker, on section 176, the Liberals would like to take credit for accepting this. Although I am not a member of the justice committee that was dealing with this issue, I know my colleague from Niagara Falls was and I understood that the Conservatives brought in amendments to section 176 and they were defeated by the Liberals. The Liberals then came back a few moments later to simply make the language a bit more gender-neutral and then that was accepted. Therefore, the Conservatives brought in an amendment to fix it, it was defeated,

moments later the Liberals, because it has to be their idea, brought it forward and it was fixed. I wonder if my colleague could confirm that is how it went down.

Hon. Rob Nicholson: Madam Speaker, that is a very good summation of exactly what happened. Certainly, I appreciate that. The interpretation of that section is gender-neutral and not specific to any religious organization or group. That has been its interpretation by government departments throughout the years. We suggested calling these people religious officials. However, as a minister, one of the bureaucratic suggestions made to me one time was that we should call these people officiants. I pointed out that I was not quite sure how many Canadians would know what an officiant is and that we should call them religious officials. However, I had not thought or even heard about that name for a couple of years, until the Liberals came forward and said they did not want to call these people religious officials but officiants. In the end, they got the message of section 176, and I think we are all better off for continuing religious protection in this country.

Mr. John Brassard (Barrie—Innisfil, CPC): Madam Speaker, I am not so sure that I have a question, but rather a comment. I want to thank the hon. member for Niagara Falls for the work he did specifically with respect to section 176. I myself had notified over 30 churches within my riding of Barrie—Innisfil on the urging of the hon. member for Niagara Falls. Many of them were grateful for the fact that I notified them because they were not aware of the changes that were indicated in Bill C-51, specifically as it relates to religious services and religious officials. Therefore, I want to thank the hon. member for that.

I am not sure that I have a question. I know he is a humble man, and he would not want to accept any level of thanks for the work he has done in bringing this to light and making sure that all members of Parliament were able to bring it to the attention of the religious officials within their ridings as well.

• (1250)

Hon. Rob Nicholson: Madam Speaker, I think it is perfectly understandable that so few people saw this. I had reached out to a number of religious institutions, and they were completely unaware. If we look very carefully at the press releases and the speeches of the Liberals when they tabled this bill, they made no reference to it whatsoever. They only talked about duelling, witchcraft and sorcery, those kinds of things. Those were the sections they wanted to remove from the Criminal Code. There was no suggestion whatsoever with respect to removing the protection of religious services and religious officials. As members of the opposition, I think it is our job to make sure that people know, and the hon. member for Barrie—Innisfil did exactly that. He reached out to all those religious communities within his riding and let them know. It was not a case that we had to twist their arm or make long arguments or something. They got it. They understood that, in this day and age, we must and should continue to have those religious protections. Therefore, I want to thank him, indeed all my colleagues, and all those who got the message here and kept that section in.

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Mr. Anthony Housefather (Mount Royal, Lib.): Madam Speaker, I like to look at things in a non-partisan way. I thought the way the committee handled that issue of section 176 was quite non-partisan. We heard witnesses. All of the members of the committee who are not the government, from the governing side, listened to it and said they agreed that the section should be reinstated, and we did that. However, listening to the questions, it sounds like we were playing games with it.

Contrary to what my friend the member for Victoria said, there were amendments put forward by the Liberals at the very time that the Conservatives put forward amendments before the meeting. It is not that one amendment was put forward before the other, it is just that the Conservative one came up first and was voted on. It was slightly different than the Liberal one, it was defeated, and the Liberal one was adopted. It was not partisan, as it is being made out to be.

I want to congratulate my friend from Niagara Falls for what he did, because he did raise this issue first, and he deserves full credit. However, I think it was a much more non-partisan exercise than it is being made out to be. I do not want our committee to be mocked for that. I am sure my friend from Niagara Falls would agree.

Hon. Rob Nicholson: I generally always agree with the chairman of justice committee, Madam Speaker. We work very well on that committee and we deal with a lot of serious subjects.

Apart from all of the discussion with respect to section 176, which is important to me, this legislation would update the Criminal Code so that it better reflects what has been taking place in the courts, and what we have been hearing with respect to a number of these offences. It would make sure that the Criminal Code is up to date. The job that we as parliamentarians and that members of the justice department have is to continuously look at those sections of the Criminal Code to make sure they reflect what is happening out there or what should happen.

The hon. member will remember we just had before our committee last week the Right Hon. Kim Campbell. She pointed out that it was she who brought in the first rape shield sections of the Criminal Code. We are talking a good 25 years ago. That was the time to make sure the Criminal Code properly reflected what was actually happening and the challenges that victims have.

These are the kinds of things that we have to continue to work on at justice committee and we will continue to do just that.

Mr. Murray Rankin (Victoria, NDP): Madam Speaker, it is an honour to rise to speak to Bill C-51 today. I want to begin by, I suppose apologizing to my colleague from Mount Royal, who is the excellent chair of the justice and human rights committee, and who runs it in a fashion that is non-partisan, to his credit. However, from the perspective of an opposition member, it is passing strange that amendments from our side are so rarely taken up by any committee in this place.

On Bill C-58, the bill that the government calls the "access to information bill", which I call the "denying access to information bill", I brought forth 20 amendments, and each and every one was rejected. In this case, the chronology is as my friend suggested, and is correctly stated, but each of the amendments from the opposition

was defeated. I think each of the amendments from the Liberals was accepted on this particular bill. That is the way it works in committees. I think that Canadians should know that. I find it disappointing.

On the merits of it, and in the collegiality of how the committee proceeds, I am grateful to the member for Mount Royal for the way he runs this committee. It is exemplary, and I salute him for it.

This is a non-partisan issue, and if I got off on the wrong footing by suggesting anything to the contrary, I owe this place an apology. Reform of the criminal law for all Canadians cannot be partisan. We have to get it right. We have to get the balance between the rights of the accused and the rights of victims correct, because the law is constantly evolving, as technology, for example, is constantly evolving. I will have more to say about that in a moment, in respect to sexual assault provisions.

It is to the government's credit that it is taking a number of sections of this very long Criminal Code and trying to update it, in light of what the courts have done and in light of where society is going. That is as it should be.

The NDP wants to say at the outset of this debate that New Democrats are entirely in support of the bill and will be voting for it without hesitation.

Therefore, I want to say a few things for those who might be listening about the nature of the bill. Some have called it an omnibus bill. I think one of the Conservative speakers, in June, when it was in second reading, termed it that. It is not that way. It is a comprehensive reform initiative to do four types of things.

The first is to clarify the laws on sexual assault, because there has been a lot of Supreme Court jurisprudence that requires us to restate the law to make sure we are keeping up with the times. Second, the bill would remove or amend provisions that have been found unconstitutional by the courts. That obviously has to be done. Third, a number of obsolete or duplicative offences would be removed. Fourth, there is another bill that would be amended, the Department of Justice Act, which would create a new statutory duty for the Minister of Justice to table a charter statement for every government bill.

The fourth issue is laudatory, but quite ineffective. The fact that the government tables a few sentences about why a finance initiative is consistent with the charter seems to me to be much ado about nothing. I am not sure it is of any relevance in a court of law. I think the House can assume, without having a statement, that government bills will in fact be consistent with the charter. We hardly need a statement to do that. Indeed, the charter statements that the Minister of Justice has been releasing to date add very little, in my judgment, to the issues before the House. However, I suppose one can never fault too much information, even information that is of dubious utility.

I want to start with the most significant number of amendments to the bill, which is on sexual assault. However, before doing that, I want to put it in the context of an excellent summary of the bill that was provided in the Canadian Bar Association's journal, *National*, that was done by Omar Ha-Redeye in the fall, just a few weeks ago. It is quite amusing how the author describes the bill. He says:

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The federal government is finally doing some housekeeping of the Criminal Code with Bill C-51. It may find some hidden cobwebs—and according to some, there may even be monsters under the bed.

The Criminal Code is a place where old, obsolete, or even unconstitutional laws languish in purgatory. Most governments have been content to simply ignore these outdated provisions, knowing that most would never actually be used. The result is a long, rambling and sometimes unnecessarily confusing statute.

• (1255)

Amen to that.

Sometimes the code is sufficiently complicated to confuse even the judges. This is where I pause to talk about poor Mr. Justice Denny Thomas of the Alberta Court of Queen's Bench, who a few years ago convicted a gentleman named Travis Vader of second degree murder. He relied on section 230 of the Criminal Code, which had a provision called “culpable homicide” that was introduced way back in 1892.

Unfortunately, the judge was not made aware of the fact that the Supreme Court of Canada had previously repealed a part of that provision in a 1987 decision. Then it had ruled, in another decision, that the section was contrary to the charter and could not be saved under section 1. The judge had convicted this individual when the provision “allowed for a conviction of murder without the requirement for proof of subjective foresight of the mental elements for moral blameworthiness”. There it was, sitting and gathering dust, in section 230 in the Criminal Code. They had to do the whole trial again, at unknowing cost, both psychological and financial, to the system of justice in the province of Alberta, and brought the Criminal Code, frankly into disrepute as a consequence.

One has to salute the government for its efforts to bring it up to date and sweep away these cobwebs, as the author so correctly said.

There are provisions in here that are simply obsolete for other reasons, such as those relating to the prohibition on duels, which the House will be pleased to know is no longer a problem under the Criminal Code, pretending to practice witchcraft, offences dealing with trading stamps, archaic sections that no longer serve the needs of contemporary Canada. Again, the government is correctly trying to remove these cobwebs from our criminal law.

That takes me to the main event, if I can call it that—and there are a number of others that I will come to—which are the sections dealing with reform of the sexual assault provisions of the code. The minister talked about making it, “more compassionate towards complainants in sexual assault matters.”

Many of the sections in the code address changes that the courts have made, using the charter, to address problems they saw with these provisions. These sections expand the code's rape shield provisions to expressly include communications for a sexual purpose or of a sexual nature. The rape shield provisions that were introduced after the Seaboyer case in 1991 limit the types of questions that defence counsel can pose, and evidence it can introduce concerning a complainant's sexual history.

This information had sadly been used in our legal system to promote a stereotype, that a complainant is more likely to have consented, or is less credible, because of past sexual history. In 2000, the court upheld the rape shield provisions as being constitutional.

The new changes in this bill appear to stem from criticism rising in the famous Jian Ghomeshi case, which attracted a lot of media attention and dealt with societal discussions about sexual assault prosecutions in Canada. As members may recall, that case involved text messages and social media content by the complainants.

Some defence counsel are concerned that this bill will limit the evidence they can use to offer a full and complete defence. Others believe that those concerns are overrated.

Lise Gotell, national chair of the Women's Legal Education and Action Fund, LEAF, stated that the amendments simply recognized more contemporary forms of sexual communication. I agree with her. If the evidence is used for the purpose of demonstrating inconsistencies, it can still be included if it is only used to perpetuate sexual stereotypes.

• (1300)

I want to quote Ms. Gotell, directly, “There is no implied consent in Canadian law...and so previous sexual activity should be irrelevant to a belief that someone is consenting to the sexual activity in question.”

That is the key. There is no implied consent in Canadian law with respect to sexual assault. Past sexual history or communications on the Internet or Facebook or the like do not imply any kind of consent to the specific activity at that specific time. The courts have made that clear, and I am pleased that Bill C-51 now makes that clear as well.

More than 20 years ago, in the case *R. v. O'Connor*, the court ruled that medical and counselling records of a sexual assault case could be disclosed by judicial order. The government limited these productions through amendments, and that was upheld. In 1999, the court stated in *R. v. Mills* that the judiciary had adequate discretion to preserve a complainant's right to privacy and also still allow for a full and complete defence for the accused.

Although the nature of electronic communications today might be different, the concepts remain the same. Sexual assault complainants, who are almost exclusively women, are still subject to widespread stereotypes and prejudice based on their sexual history. Salacious texts and steamy graphics may be communicated differently today, but they are just as dangerous to the balance of justice.

These provisions that deal with the sexual assault measures of a court make a number of specific changes in addition to the ones I outlined a moment ago. The bill would amend the section to clarify that an unconscious person is incapable of consenting. Most of us would have thought that would be self-evident, but there was court case that clarified that. To the government's credit, it has brought in a clarification to the same effect.

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What about incapacity to consent short of full unconsciousness, such as when a complainant is very drunk or maybe only semi-conscious? There are those who have said that somehow by putting this in, we would be creating uncertainty over those sorts of situations: severe intoxication and semi-consciousness. I am not concerned about that, because I believe there are other provisions that would address those in the code. That is one point that was made in debate at committee and elsewhere about this legislation.

Then there is the other clarification brought into the bill, which would clarify that the defence of mistaken belief in consent is not available if the mistake is based on a mistake of law, for example, if the accused believed that the complainant's failure to resist or protest meant that the complainant consented. The court clarified that in a case that was decided in 1999. Let us say that the consent was extorted, for example, someone threatens to show the world nude pictures unless the individual consents to having sex. That is not consent, and that needs to be clear. It is now increasingly clear in this case.

One thing that is fascinating in this legislation, and very positive as well, is the ability of the complainant to have legal representation in rape shield proceedings. She, as it is normally a she, can then retain counsel to be present and debate before the court the admissibility of diaries, text messages, or the like. That sounds great, and it is a positive step, but the practical reality for most Canadians is that they will not be able to take advantage of that, because sadly we do not have the money to do so. There is a dearth of legal aid in most provinces. We have a crisis in legal aid. Therefore, it is nice to have that, but I have to ask a practical question on whether people will be able to avail themselves of that. Will women be able to participate as has been suggested?

Again, to give credit to justice committee, on October 30 of this year, an excellent report on legal aid was produced. I would commend members in this place to read that report, because it talks about legal aid in very stirring terms. It talks about a service that "breathes life into the democratic principle of the rule of law by ensuring that low-income Canadians have access to the courts."

● (1305)

Once again, all three parties worked collaboratively to produce this excellent report. Of course, it is an acknowledgement that most of this is provincial jurisdiction, but, nevertheless, the leadership and best practices were suggested, and I commend the committee for that.

However, unless the Government of Canada assists provinces with more legal aid funding, this laudable section that allows women for the first time to actually participate in and have a right of natural justice in criminal proceedings involving the disclosure of intimate information in situations where sexual assault is at issue, most of the time it will be irrelevant unless those women have legal aid. Canadians need to understand that reality.

I am here to make sure that this place and the government look favourably at the excellent legal aid report that was produced, so it will not just be another report gathering dust on the shelves of Parliament. I believe that the provisions at issue were dealt with very thoughtfully and are not simply symbolic. I think the report includes

meaningful changes and hope that the government will move on them and put its money where its mouth has been.

A number of people are in agreement with the provisions in the report. I speak, for example, of Professor Elizabeth Sheehy of the University of Ottawa, and Emma Cunliffe of the University of British Columbia. They talked about the right of legal representation in rape shield hearings as an important step, but said it would be largely ineffectual unless provincial legal aid programs provide financial support to complainants seeking to retain a lawyer. I agree.

On the streets where these amazing workers in rape relief and women's shelters work day in and day out, tirelessly with victims of sexual assault, they also have concerns. Hilla Kerner spoke for the Vancouver Rape Relief and Women's Shelter when saying, "Women who work with us were very discouraged after what we saw in the Ghomeshi case." The provisions in the bill will send a message, Kerner continued, that "your past, the things you did before the attack and after the attack, will not deter the criminal justice system from actually dealing with the attack and holding men accountable."

That is a very good indication that the message will be received by those who were so involved in counselling women after sexual assault. However, the law has changed. It's better now. People can come forward and do not have to be afraid. That has to be the number one objective of these amendments, namely, that women will not be afraid will not not think it is a waste of time to come forward.

The Globe and Mail is doing excellent work in showing how few sexual assaults are actually processed seriously by police departments across the land. They did an update this past weekend of an earlier award-winning series.

We are at the very heart of that issue with this bill, making it easier for women to come forward because they know there will be fairness. They will be taken seriously and the laws will not work against them. I think that is excellent.

Not everyone has applauded Bill C-51 in its entirety, in these glowing terms. Michael Spratt, the vice-president of the Defence Counsel Association of Ottawa, refers to this bill as "another half-hearted attempt to reform the justice system by grabbing the lowest of the low-hanging fruit."

It is true that the government's mandate letter for the Minister of Justice speaks to a comprehensive reform of the Criminal Code. It is so overdue. Nevertheless, I do not fault the government for going after low-hanging fruit, in addressing duelling and trade stamps, for example, or these sorts of provisions, because it is also doing real work in the sexual assault provisions. We have to support it and give credit where credit is due.

One hopes that there will be the comprehensive reform of the Criminal Code that Professor Coughlan of the Dalhousie University, Schulich School of Law, has been seeking. I think and am confident we will get there.

Government Orders

On the issue of sexual assault, I commend the government for what it is doing. On the issue of charter statements, I say ho-hum, nice, but so what? However, on this stuff, this key change to our Criminal Code to give women in this country the confidence that it is worth coming forward, the government needs to be commended. We will support this bill without reservation.

• (1310)

Mr. Anthony Housefather (Mount Royal, Lib.): Madam Speaker, I thank my hon. colleague from Victoria for his excellent speech and very kind words about me and the committee. I want to return the compliment. He is an incredibly productive member of the committee and helpful whenever he sits with us. I also want to note that there were, indeed, opposition amendments accepted. I will note clause 25, for example, where we did accept a Conservative amendment. It was not only one party's amendments.

What I do think is a systemic problem is the fact that parties work together on their own amendments and then go off in one line, and then it is harder at committee meetings thereafter to agree to other amendments. Maybe we can all work on amendments together, going forward. Maybe the amendments process will then be more harmonious.

My question is with regard to the people talking about a bright line on unconsciousness. After hearing from many witnesses, the committee decided to say that consent needed to be ongoing. Indeed, we accepted an amendment to clarify that consent needs to be ongoing. I think that resolves any concerns people had about unconsciousness being a bright line.

I would like to ask the hon. member for his opinion on that.

• (1315)

Mr. Murray Rankin: Madam Speaker, I thank the hon. member for Mount Royal and chair of the justice and human rights committee for the clarification.

On the general point, I wish there were an opportunity for us to work together before we get there. When there are a lot of amendments, the timing does not allow us to know what the other side is going to do, so we often end up in an unnecessarily adversarial place at committee. I think we could learn from that, as there is often better dialogue in committee the hon. member chairs than many others. That would maybe allow us not to waste so much time and to find a consensus on legislative provisions. The more of that, the better, as far as I am concerned.

On the unconsciousness provision, I agree. Insistence on ongoing consent before the act, during the act, and after the act is critical. The lack of consciousness my friend talked about was of great concern to some, because if one says that lack of consciousness, or total unconsciousness, vitiates the consent, then what about someone who is semi-conscious or very drunk and it is not clear if that person is able to consent? This insistence on ongoing consent would do the trick. However, I can say there are defence lawyers lining up to make the argument to the contrary.

Hon. Peter Kent (Thornhill, CPC): Madam Speaker, I thank my colleague for a fine speech, reflecting his previous career in law and as a scholar. I would like to ask him about one of the elements of the Liberals' proposed legislation that is important to many of us on the official opposition benches.

I am wondering whether my colleague sees, as we in the official opposition see, something of a forewarning in the removal of Her Majesty's portrait from that vast wall in the Global Affairs entrance hall in favour of the two admittedly fine works of art by the great Quebec master, Alfred Pellán. Because my colleague is from a royal city, I wonder whether he agrees with those of us in the official opposition that the Liberal government, by attempting to withdraw the offence of an assault on Her Majesty from the Criminal Code, has demonstrated or reflected diminished respect for our head of state. Or, does my colleague think it was merely an ill-considered proposal made by the justice minister?

Mr. Murray Rankin: Madam Speaker, I must say that I admire Alfred Pellán as an artist, so I am conflicted in answering the specific question about the art.

However, on the more global question, the Queen of Canada is the Queen of Canada, and I know that in my community, she is an immensely popular figure. My colleague from Niagara Falls pointed out her exemplary record of public service, and I do not think anyone can disagree with that.

I disagree with the hon. member for Niagara Falls that the section in question concerning the royal personage would somehow be affected. I do think it was an obsolete provision. The other provisions that are in still in place in the code would adequately deal with Her Majesty when she comes to this country. Whether the government is demonstrating, in his words, a "diminished respect" for the head of state is something I cannot comment on, but I know that in my community of Victoria, there is no such diminishment.

Mr. Anthony Housefather: Madam Speaker, going back to the same question raised by my friend from Thornhill, I do not know if he is aware of this, but the Monarchist League of Canada itself submitted a brief that did not complain about removing this provision. Therefore, we on the committee concluded that if the Monarchist League of Canada did not object to it, there was no real harm in removing the provision. Does my friend from Victoria agree?

• (1320)

Mr. Murray Rankin: Madam Speaker, I come from a place where the Monarchist League is a very strong part of our community. I can assure the member that I would taken precisely the same position if I were in the shoes of the chair of that committee.

The provisions that exist in the code adequately deal with that. There is something to be said for brevity. This statute is enormous and only gets larger and longer over time. As I started by saying, the mandate letter requires the minister to do some serious house-cleaning. Some of the low-hanging fruit and cobwebs have, indeed, been addressed, and some of the more meaningful sections that needed to be fixed, such as on sexual assault, have been modernized and improved, to the government's credit. However, there is so much more work to be done with the Criminal Code. We should make it shorter and clearer so that Canadians understand their rights and responsibilities as citizens from coast to coast to coast.

Government Orders

[*Translation*]

Mr. François Choquette (Drummond, NDP): Madam Speaker, I thank my hon. colleague for his excellent speech and for his commitment to standing up for Canadians on this issue, which is a complex one and requires significant expertise. I do not have that expertise, but I understand a little about what happened in committee.

What I understand is that the NDP proposed a number of amendments. For example, we tried to clarify the definition of “no consent obtained” with respect to sexual assault in the Criminal Code of Canada, to ensure that the complainant being unconscious is not kept as the threshold for incapacity to consent.

We also tried to change the process for introducing the complainant's private records at trial. Unfortunately, the Liberals rejected these amendments.

Could my colleague tell us about the famous definition of consent and the evidence that may be submitted at trial? For example, Emma Cunliffe, from the Peter A. Allard School of Law, spoke about an agenda that had been stolen by the accused and the problems that this had created.

Could my colleague speak further to these two very important notions?

[*English*]

Mr. Murray Rankin: Madam Speaker, as I was not present during the debate on this bill at committee, I only have the summary available to me, but it is true. The hon. member is correct. The NDP did attempt to more clearly define the meaning of the phrase, “no consent obtained”, in one of the sections relating to sexual assault, such that, “the complainant is unconscious”, would not be kept as the threshold for incapacity to consent. We tried to make changes to the process for introducing private records of the complainant at trial as well, and the government members defeated us on those amendments.

In raising this concern, I think we were buoyed by Professor Benedict from the UBC law school, who said in regard to the need for ongoing consent that it had to be a yes that was not extorted through any kind of pressure. The fact that someone is blackmailed into providing consent is also something that we need to make sure of. Therefore, by raising the word “unconscious”, we wanted to make sure that there was no effort elsewhere to somehow limit the requirement of the consent that must be ongoing in every case. We thought we had a better way of doing it. That was not accepted, but in general we have come to a place that the NDP can support.

Mr. Ali Ehsassi (Willowdale, Lib.): Madam Speaker, before I begin, I would like to inform the House that I will be splitting my time with the member for Oakville North—Burlington.

It is a great honour and privilege for me to fellow in the footsteps of my learned friend from Victoria and the chair of our committee, the member for Mount Royal.

I am grateful for the opportunity to rise today to speak about Bill C-51, an act to amend the Criminal Code and the Department of Justice Act and to make consequential amendments to another act. I was honoured to study and vote for Bill C-51 at the Standing

Committee on Justice and Human Rights. The bill would strengthen the Criminal Code and other related legislation to ensure that laws are clear, up to date, show fairness to victims, and are in line with the Canadian Charter of Rights and Freedoms. Our government is committed to making progress on addressing sexual assault and gender-based violence. I am very proud that Bill C-51 is an important part of our effort to attain that goal.

Sexual assault and gender-based violence are a tragic reality for Canadian women and men, and we need our laws and criminal justice system to be responsive and to treat victims with respect and compassion. There have been major reforms to sexual offences in the Criminal Code ever since the 1970s, and the changes in Bill C-51 are logical next steps on that critical path.

At committee we heard from women's groups and members of the legal community that the current legal framework under the Criminal Code could be strengthened, especially on the question of consent. Bill C-51 would add clarification to existing law that no consent can be obtained if a complainant is unconscious, as outlined in the Supreme Court decision in *J.A.* This does not mean that someone just short of unconsciousness is able to consent, even though the person is otherwise incapacitated. Bill C-51 makes it clear that an inability to consent can be for reasons other than being unconscious. The committee also adopted an amendment proposed by one of my Liberal colleagues to further codify the *J.A.* decision in Bill C-51 by clarifying that consent cannot be given in advance and that it can be withdrawn at any time. As our understanding of consent changes, our laws obviously have to keep pace.

Bill C-51 also proposes to strengthen consent in the Criminal Code by codifying aspects of the Supreme Court's decision in *Ewanchuk*, notably that an accused is not able to rely on the defence of an honest but mistaken belief in consent if said belief was based on the passivity of the complainant. It is vital that the Criminal Code is clear, to avoid any misapplications of the law.

The witnesses at committee also spoke at length about how a sexual assault trial can be very difficult for the complainant and how unfortunate stereotypes and myths about sexual assault victims continue to pervade our society. Bill C-51 would make important changes in the safeguarding of the privacy of victims. To ensure that the justice system does not perpetuate such stereotypes, the bill would strengthen the rape shield provisions that protect complainants.

Government Orders

Clarity is paramount for any criminal code to be fair, accessible, and comprehensible. From time to time, we must clean up the code to remove provisions deemed redundant, obsolete, or indeed unconstitutional. In the committee's study of the bill, we had numerous legal scholars and experts voice their support for the government's repeal of sections of the Criminal Code that are no longer necessary. In a modern Criminal Code, there is no need for an obsolete provision such as the offence of fraudulently pretending to practice witchcraft. Likewise, we heard from witnesses such as Greg Oliver, of the Canadian Secular Alliance, that Canada's blasphemy law is obsolete and potentially in violation of the charter guarantee of freedom of expression. I was honoured to have sponsored the petition started by Mr. Oliver on this issue and am gratified to see that Bill C-51 would repeal section 296 of the Criminal Code, the prohibition on publishing blasphemous libel.

• (1325)

Although Bill C-51 proposed the repeal of section 176, given that it is rarely used and that other areas of the Criminal Code cover the relevant offences, the committee listened to the concerns of religious groups and constituents. They told us that they believed that this provision was important to send a clear message about Canada's commitment to the protection of religious freedom. For this reason, the committee adopted an amendment put forward by a Liberal member to reinstate section 176. This amendment would also change the language to make it inclusive of all religious and spiritual faiths and to make it gender neutral. Our laws must make sure that all Canadians, regardless of their religious affiliation or gender identity, are free to practise their faith.

During the committee's study of Bill C-51, I was also pleased to support the bill's proposed changes to the Department of Justice Act that would create a new requirement for charter statements. This new section would mandate that the Minister of Justice table a statement outlining the potential effects of all government bills on charter-protected rights and freedoms. The charter is the most fundamental way in which the basic rights and freedoms of all Canadians are enshrined in law. It is imperative that proposed laws are clear in their relationship to these basic rights and freedoms. I applaud the government for taking this pivotal step to ensure transparency and respect for our charter.

I am proud to have participated in the study of Bill C-51 by the Standing Committee on Justice and Human Rights. It is clear to me that this bill would strengthen sexual assault law. It would also modernize the Criminal Code and make it clear and accessible, while also placing the Charter of Rights and Freedoms at the centre of our focus when crafting new laws.

• (1330)

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Madam Speaker, one of the issues that has been talked about virtually since the legislation became known was the issue of religious freedom. It is important to recognize that this is a good example of grassroots involvement in improving the legislation. I had a number of constituents raise the issue of leaving section 176 of the Criminal Code alone, because it protects religious freedom. I believe it was not an individual in the House but rather responses from many constituents that caused the government to make the

change at the standing committee in support of ensuring that this section remained in the Criminal Code. I wonder if my colleague could expand on the idea of how legislation can be improved by average Canadians contacting the government or their local members of Parliament and how it can make a difference.

Mr. Ali Ehsassi: Madam Speaker, section 176 was an issue that came to our committee. Obviously, in the draft, we were not sensitive to some of the implications of section 176. However, after having had a chance to consider it, we focused on it. Of course, one of the important things for any committee is to be receptive to things that are brought to its attention and for it to think long and hard about what the implications of any proposed changes would be. In this instance, after having heard from various constituents who were concerned, we all took a sober look at it. I am happy to say that all parties were quite collegial in our approach to this issue. We realized that perhaps they had raised a significant point, and we made those necessary changes.

Mr. Ron Liepert (Calgary Signal Hill, CPC): Madam Speaker, the member is on the justice committee. I happen to serve on the justice committee. I saw the Liberal members fight this right to the very end. Now they seem to be standing in this House taking credit for this initiative.

Had the opposition critic for justice and the various organizations across this country not put on all this pressure, would the Liberal members of the justice committee actually have agreed to this amendment?

Mr. Ali Ehsassi: Madam Speaker, I do not recall us having being pressured. We were quite willing to hear from various groups and organizations. Once they appeared before our committee and raised concerns, as I said before, we took a sober look at it and realized that they had a very good point and thought that the legislation would be very much strengthened by addressing the concerns they had come forward with.

As I said, there was no pressure. It was a collegial atmosphere, and we were quite adamant to get the legislation right, and we made the necessary changes.

• (1335)

Ms. Pam Damoff (Oakville North—Burlington, Lib.): Madam Speaker, I appreciate the opportunity to participate in today's debate on Bill C-51. It is fair to say that the bill has enjoyed broad and bipartisan support from all members in the House. I wish to acknowledge this support and to thank members from all parties for the collaborative, constructive, and focused discussions that have taken place so far, including before the Standing Committee on Justice and Human Rights. I expect that this approach will continue and hope that we can quickly move this important legislation forward.

As is well known, Bill C-51 reflects the mandate of the Minister of Justice to review the criminal justice system. It proposes changes that would make the criminal law fairer, clearer, more relevant, and more accessible. These changes are critically important.

Government Orders

The Criminal Code provides the anchor for the criminal justice system and the actions taken within it. As such, these changes would help to advance the minister's ongoing work to transform the criminal justice system and ensure that it continues to promote public safety, hold offenders to account, and meet the needs of victims.

Bill C-51 proposes changes to the Criminal Code and to the Department of Justice Act. I am particularly proud to be part of a government that has shown a consistent and unwavering commitment to promoting the greatest possible respect for the Charter of Rights and Freedoms. This commitment is reflected in Bill C-51 in many ways. Notably, it proposes changes that would require the Minister of Justice to table a charter statement in Parliament for every government bill. These statements are already being tabled by the minister in respect of her bills. Under Bill C-51, this would be mandatory for the current and future governments.

Some have suggested that this type of change is unnecessary, given the minister's current statutory responsibility to examine every bill introduced in Parliament to determine if any of its proposed changes are inconsistent with the charter. However, we can go further, and that is what Bill C-51 would do. By providing Parliament, the public, and all stakeholders with information on the effects of all government legislation on our constitutionally protected rights, these changes would contribute to a more informed debate on government legislation and a more informed justice system. It is in all of our interests to ensure that those responsible for administering the justice system understand how federal laws implicate our charter rights. This is particularly true for the criminal justice system.

Bill C-51's proposed changes to the Criminal Code can be said to fall into three broad categories. First, Bill C-51 would repeal a number of offences in the Criminal Code that are obsolete or are otherwise redundant. Next, Bill C-51 would build on the work started by the Minister of Justice in Bill C-39, which proposes to repeal provisions that have been found unconstitutional by the courts. It also seeks to amend provisions that have been identified as raising charter risks but that have not been constitutionally considered.

I see the proposed changes in Bill C-51 as reflecting a recognition by the Minister of Justice that, for far too long, we have not been engaging in the kind of modernizing, clarifying, and rationalizing necessary to ensure that our Criminal Code remains coherent and contemporary. Criminal law academics from across Canada, as well as justice system stakeholders, have been calling for this kind of law reform for years. The public also deserves nothing less than a Criminal Code that reflects modern society and that is an accurate reflection of the law in force today. Bill C-51 seeks to make these kinds of changes, and I congratulate the Minister of Justice for making this kind of criminal law reform a priority.

Bill C-51 has generated a lively and important debate. Much of the focus of the debates and the concerns expressed to date have been centred on the bill's proposed changes to sexual assault law, an area that many recognize as complex and for which we would all agree clarity is particularly important. It is an area of particular interest to me as vice-chair of the Status of Women Committee.

I will focus the remainder of my remarks on this section of the bill. I think this area is important for a number of reasons, especially in light of what we have seen in Canada and elsewhere as an ever-expanding dialogue and discussion about gender-based violence and inappropriate and unacceptable sexualized conduct. This violence is almost universally perpetrated by men toward women or toward LGBTQ2 individuals. We know that many survivors of sexual violence in Canada believe that the criminal justice system is not well equipped to address their needs and that if they do come forward to report a crime, they will not see justice.

● (1340)

We do have to do better in addressing these realities, and within our own responsibility can make positive contributions in this regard. Bill C-51 would clarify and strengthen the law on sexual assault, and would help address concerns about how the law is applied in practice. I was particularly pleased to see the changes to consent that are included in this bill.

I had the opportunity to sit in on the justice committee's hearings during testimony on consent. I am pleased to see that at report stage these definitions have been further clarified. We know that no means no and that someone who is incapacitated by alcohol or otherwise or is unconscious is not able to provide informed consent. Now the Criminal Code would reflect these realities.

These changes are, however, only one part of the solution. I am proud of the work of our status of women committee, reflected in our government's commitment to tackling gender-based violence and promoting gender equality as a priority. Efforts like the establishment of a national strategy to address gender-based violence and the allocation of \$12 million through the victims fund for projects are designed to improve the criminal justice system's response to sexual assault against adults. This funding is going toward initiatives pursued by the provinces and territories to support victims of sexual assault to receive independent legal advice or the development of awareness raising for the judiciary on gender-based violence. These initiatives are important and will contribute to making the justice system more responsive to the needs of survivors of sexual assault.

Furthermore, our government has made judicial education a priority. In April 2017, we announced nearly \$100,000 in new funding to the National Judicial Institute to develop training for federally and provincially appointed judges that will focus on gender-based violence, including sexual assault and domestic violence. Additionally, budget 2017 provided funding to the Canadian Judicial Council to support judicial education and training. This funding will ensure that more judges have access to professional development with a greater focus on gender and diversity training.

I urge all members of the chamber to support Bill C-51. I believe this bill is critically important in ensuring that survivors of sexual assault are treated with the respect and dignity they deserve.

Government Orders

Ms. Anita Vandenberg (Ottawa West—Nepean, Lib.): Madam Speaker, I want to thank my hon. colleague from Oakville North—Burlington for so eloquently talking about what this bill would actually do, particularly for women in sexual assault cases. I wonder if she could elaborate on the fact that right now in law we do not have definitions of consent when somebody is unconscious, and what specifically this bill would do to ensure that we strengthen our justice system with those sexual assault cases.

Ms. Pam Damoff: Madam Speaker, I congratulate my colleague for her work in this area as well. We had the privilege of serving together on the status of women committee and heard evidence, during our study on violence against young women and girls, that consent is an issue. One of the reasons why many times women do not come forward is because they have believed that the law would not support them when it came to what defined consent. In fact, we had comments made in the judiciary questioning whether consent was given. It was quite informative to sit in on the justice committee to hear the other side of how consent is interpreted. I was pleased to see amendments made at committee that would further strengthen the fact that no means no, and that it is important that consent is carefully defined so it is interpreted properly in the courts.

• (1345)

Mr. John Brassard (Barrie—Innisfil, CPC): Madam Speaker, I wonder what the member's opinion is on the proposed changes to section 176 in this legislation.

Ms. Pam Damoff: Madam Speaker, I know that the section was subject to a great deal of discussion in committee and outside committee. I have to say that I am quite proud of this government for taking seriously the work at committees, allowing committees to do the work that is required when bills come to be studied; hearing from witnesses, and, in this particular case with regard to this section of the bill, listening to witnesses and listening to the public; amending the bill to retain this section, further modernize it, and make it gender-neutral; and in fact improving upon what was sent to it. I am quite pleased with the outcome from the committee, and to see what has been sent to the House during report stage.

Mrs. Celina Caesar-Chavannes (Parliamentary Secretary to the Minister of International Development, Lib.): Madam Speaker, I would like to thank my hon. colleague for her always insightful comments around this piece of legislation.

I am wondering if she could provide some additional insight. As she well knows, over the last little while there have been many campaigns in which women and girls have expressed their “#Me Too” in terms of sexual violence. I want to make sure that constituents in my riding of Whitby are clear as to how this piece of legislation would allow women to more readily find confidence in the justice system to ensure that when their complaints are brought forward, they are actually taken seriously and there is justice for those victims.

Ms. Pam Damoff: Madam Speaker, I thank the member for her advocacy on this issue as well.

We know that women and members of LGBTQ2 community have not come forward because of fears that they will not be taken seriously, and that when it does go to court they are concerned that consent may not have been given.

This legislation can give them confidence that no means no, and that, regardless of the situation they find themselves in, whether it be through alcohol or some other situation, and their concern is that it would be interpreted differently, they can have confidence in the justice system.

This is only one piece of what is required, but it is an important step in making sure that survivors of sexual violence can come forward with confidence.

The Assistant Deputy Speaker (Mrs. Carol Hughes): Before I go to resuming debate, I just want to remind the next speaker that, unfortunately, we will have to interrupt him for question period. He will have his remaining time when we are debating the issue after question period.

Resuming debate. The hon. member for St. Albert—Edmonton.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Madam Speaker, I rise to speak on Bill C-51, the latest omnibus bill from the government. I have to say it is a bit ironic that we are debating an omnibus bill, given the fact that when the Liberals were in opposition, they made so much noise and such a fuss about omnibus bills introduced by the previous Conservative government.

The Prime Minister and the Liberal platform called omnibus bills undemocratic and the Prime Minister pledged that a Liberal government would undo the practice of introducing omnibus bills. I guess, like so many promises made by the Prime Minister during the last election campaign, this is just another broken promise in a string of broken promises made by him. It really illustrates that the Prime Minister's platform for real change was not worth the paper it was written on.

This omnibus bill contains a number of different sections and parts that are unrelated and given the fact that it contains a number of sections that are unrelated, it then comes as no surprise that parts of Bill C-51 I strongly support and other parts I have real concerns with. I will start with some of the positives.

One aspect of Bill C-51 that I strongly support is the removal of unconstitutional sections of the Criminal Code. Canadians should be able to expect that the Criminal Code accurately reflects the state of the law, and yet Canadians who make that common-sense assumption would be wrong. They would be wrong because the Criminal Code contains dozens and dozens of sections that have been found to be unconstitutional.

The consequences of leaving sections in the Criminal Code that are unconstitutional can be very serious. That was most recently illustrated last year when Travis Vader's conviction for two counts of the second-degree murder of Lyle and Marie McCann was vacated after the trial judge applied a section of the Criminal Code that had been found to be unconstitutional 26 years earlier, all the way back in 1990, and yet there was the section in black and white in the Criminal Code purporting to represent the law on its face.

Statements by Members

Lyle and Marie McCann, who were murdered, resided in St. Albert and members of the McCann family live in my community of St. Albert. I can say that the case really did have a profound impact on the community. It further strengthened the impact of the case after the family waited six years for justice. At the moment it seemed that justice had been finally achieved, we saw the injustice of having those two convictions for second-degree murder vacated.

What happened to the McCann family should never have happened. It was completely preventable. That is why, in December of 2016, I joined Bret McCann, the son of Lyle and Marie McCann, at a press conference to call on the government and the Minister of Justice to introduce legislation to repeal unconstitutional sections of the Criminal Code, often referred to as zombie laws.

To that end, I am pleased that Bill C-51 would remove sections of the Criminal Code that have been found to be unconstitutional by appellate courts. I am also pleased that the government introduced Bill C-39, which would remove sections of the Criminal Code that have been found to be unconstitutional by the Supreme Court of Canada.

• (1350)

However, I am very disappointed with the lack of progress the government has made in the passage of Bill C-39. Bill C-39 was introduced by the Minister of Justice on March 8. Nearly a year later, absolutely no legislative progress has been made. Indeed, it remains stuck at first reading. Bill C-39 is straightforward legislation, it is not controversial, and it could be passed easily, yet the minister continues to drag her feet.

I am baffled and the McCann family is baffled and frustrated about the failure of the Liberal government to move Bill C-39 forward so unconstitutional sections, as determined by the Supreme Court, can be removed from the Criminal Code, including the section wrongfully applied in the Vader case. The inaction from the minister and the government increases the likelihood that something like what happened to the McCann family can happen again. In the event that it does, as the result of the Liberal government's inaction, the government will bear partial responsibility. I urge the government to move forward with Bill C-39 in addition to Bill C-51.

One other positive aspect about Bill C-51 is the fact that the government has finally backed down from the removal of section 176 from the Criminal Code. One of the parts of the bill is to remove unconstitutional sections, as well as sections of the Criminal Code that, in the opinion of the government, are redundant or obsolete.

Section 176 of the criminal code makes it a criminal offence to obstruct or threaten a religious official or to disrupt a religious service or ceremony. Simply put, section 176 is not unconstitutional, has never been challenged in court, and is not obsolete. Indeed, a number of individuals have been successfully prosecuted under section 176. Also, it is not redundant in as much as it is the only section of the Criminal Code that expressly protects the rights and freedoms of Canadians to practise their religion without fear or intimidation, a freedom that, by the way, is not just any freedom. When we are talking about freedom of religion, we are talking about a fundamental freedom guaranteed under the Charter of Rights and Freedoms.

I am glad the government listened to the official opposition. More important, it listened to thousands and thousands of Canadians who signed a petition, wrote letters and emails, and made phone calls to MPs and the government to keep section 176 in the Criminal Code.

Bill C-51 would remove another section of the Criminal Code that I believe should not be removed, and that is section 49. Section 49 makes it an offence to attack or harm the head of state, Her Majesty the Queen. The government has not been able to provide any meaningful rationale as to why section 49 would be removed. It has not been able to provide a rationale in debate. It has not been able to provide a rationale at committee. It could not come at a worse time. This year marks the 65th anniversary that Queen Elizabeth was ascended to the throne. It makes no sense why the Liberal government seems intent on removing section 49 from the Criminal Code.

• (1355)

Perhaps the most substantive part of Bill C-51 deals with amendments to the Criminal Code related to sexual assault laws in Canada. There are a number of parts of the code that Bill C-51 would amend with respect to sexual assault provisions of the code. A number of the changes in Bill C-51 would clean up the Criminal Code with respect to codifying certain Supreme Court decisions, including the J.A. decision and the Ewanchuk decisions of the Supreme Court. I fully support the parts of the bill that would clean up the Criminal Code with respect to that.

The Assistant Deputy Speaker (Mrs. Carol Hughes): I am sorry to interrupt, but the member will have nine minutes when the subject is before House after question period.

I want to remind members, as there is quite a bit of a buzz happening right now, to tone down their voices so the statements can be heard.

STATEMENTS BY MEMBERS

• (1400)

[Translation]

KYOTO PROTOCOL

Ms. Monique Pauzé (Repentigny, BQ): Madam Speaker, tomorrow marks the sixth anniversary of a shameful moment in Canadian history. On December 12, 2011, Canada became the first country to withdraw from the Kyoto protocol. That is the Christmas gift the Conservative government gave the planet that year. It was not surprising, since Stephen Harper described the Kyoto Protocol as a “socialist scheme” and even said that Kyoto's greenhouse gas reduction targets were stupid. Mr. Harper preferred to set his own targets to extend the life of the Alberta oil sands, targets that he set in 2015.

Today, Mr. Harper is no longer a member of this House, but the Liberal government adopted the same targets that the Conservatives specifically designed to be insufficient, the targets of a climate change denying government that made its mark on Canadian history by making Canada the first country to withdraw from the Kyoto protocol.

Statements by Members

[English]

VIOLENCE AGAINST WOMEN

Ms. Jennifer O'Connell (Pickering—Uxbridge, Lib.): Madam Speaker, I want to remind Canadians that not everyone has a safe place to call home this holiday season.

A recent article by Jillian Follert highlighted the grave situation facing Durham region's women's shelters. Over a thousand women have been turned away from our shelters because they were already operating at overcapacity this year. In one year, Durham's four shelters housed 608 women and 320 children, fielding over 5,000 calls on its crisis line. Our region has also seen three domestic homicides in 2017. These trends are extremely alarming.

Therefore, as we prepare for the holidays, I ask residents in my community to keep these women and children fleeing violence in their minds by showing their support for local organizations. One initiative, the “Mitten Tree”, at Pickering Public Library, is collecting mittens, hats, gloves, scarves, and toiletries for Herizon House women's shelter.

If we are to stop this trend, we need men and women to become leaders in ending violence against women.

* * *

CHARITABLE CONTRIBUTIONS

Mr. Blake Richards (Banff—Airdrie, CPC): Mr. Speaker, Christmas is a wonderful time to focus on our charitable giving. Canadians are extremely generous, and nowhere is this more evident than in our communities. Two groups I want to mention and congratulate today are 100+ Women Who Care, with chapters in Cochrane, Airdrie and the Bow Valley, and 100 Men Who Give a Damn, in Cochrane and Airdrie.

These two great organizations show what a big difference can be made when people work together toward a common goal. Once every quarter, these organizations meet and hear pitches from local charities. The group then votes for one of the charities to receive the money. Each participant kicks in \$100 per meeting, resulting in tens of thousands of dollars raised throughout the year.

Often, all of the charities end up receiving support when members step up to give a little extra, as evidenced in the first meeting of the Airdrie men, thanks to Bill Martin and others.

I want to thank all those who joined me in being a part of either the 100+ Women or 100 Men, and hope that their spirit of charity and generosity is spread across the country during this Christmas season.

* * *

COLUMBUS CENTRE

Mr. Marco Mendicino (Eglinton—Lawrence, Lib.): Mr. Speaker, when the Columbus Centre officially opened its doors in October 1980, it fulfilled a dream of the Italian Canadian community. That dream started with a vision where youth and seniors, art and science, politics and faith could all come together in a cultural space which we could call our own.

Over the years, the *piazza* has hosted prime ministers, Supreme Court justices, cardinals, academics, and musicians, even Luciano Pavarotti. Transcending these events are the families that come every day to see their *nonnas*—both of mine lived at Villa Colombo—or to drop off their kids at child care or Centro Scuola, or for a workout, or just to have an espresso at Cinquecento.

As the city grows, any case for development must respect the voices of the community first. Those voices are loud and clear, “Do not tear down the Columbus Centre”. It is more than just bricks and mortar. It is the heart of the Italian Canadian community in Toronto.

A dream that began with a million acts of kindness is now a cherished institution worth fighting for. Listen to the community.

Siamo con voi.

* * *

[Translation]

CHRISTMAS MARKETS

Ms. Ruth Ellen Brosseau (Berthier—Maskinongé, NDP): Mr. Speaker, I recently visited several Christmas markets in my riding of Berthier—Maskinongé. Christmas markets provide an excellent opportunity to discover and rediscover local products and crafts. These events showcase the quality of our agrifood products and the talents of artisans in our regions. What is more, by buying local, consumers are choosing high-quality products, supporting their communities, and reducing their environmental footprint. As the Christmas season begins, I encourage all my colleagues to take their families to visit the Christmas markets and local businesses in our regions.

In closing, I would also like to draw attention to the work of volunteers in our regions who make a real difference in our communities. I thank them for their generosity and their help in improving the quality of life of people in our communities. I wish everyone a very happy holiday season.

* * *

● (1405)

[English]

TORONTO FOOTBALL CLUB

Mr. Michael Levitt (York Centre, Lib.): Mr. Speaker, Glory in Red. An ode to Toronto FC:

Statements by Members

The sun was setting on Saturday night, as our boys in red took the field shining so bright.

A superlative season would lie in their wake, but this was the big game, an opportunity for redemption at stake.

We were flying in the first half keeping Seattle pinned back, but sadly no goals even though we dominated attack.

The second half kicked off; TFC in full flight, then in a moment of glory Altidore struck with great might.

The celebration was wild as the fans they did roar, Red Patch Boys, Tribal Rhythm Nation, U-Sector and so many more.

As the clock wound down Vazquez put it away, ensuring TFC fans would never forget this championship day.

As the lads raised the cup our hearts filled with delight, our heroes got it done on this unforgettable night.

So here is my message as I wrap up this short ditty, your hard work and commitment bring tremendous pride to our city.

As we end 2017 and put this year to bed, we will forever have memories of our TFC champs, of their Glory in Red.

* * *

150TH ANNIVERSARY OF CONFEDERATION

Mr. Ted Falk (Provencher, CPC): Mr. Speaker, as we approach the end of the year in which Canada has celebrated its 150th birthday, we have much to be thankful for.

Thankful for the blessings of freedom, peace, and abundance. We should not take these blessings for granted, but we should guard against their erosion.

Broadcaster Paul Harvey noted that many of the world's great nations were at the height of their greatness at the 150-year mark before they decayed morally, socially, culturally, and economically.

Rights without responsibility and freedoms without restraint are recipes for disaster.

We must be careful not to rewrite history and imply that our own forefather's intentions were somehow less noble than our own.

We cannot afford to replace the rewards of the ambitious with reliance on the state.

We must emphasize the family as the core of a strong society, not government.

Canada is a nation founded upon principles that recognize the supremacy of God and the rule of law. We must continually recognize the absolutes of good and evil, right and wrong.

As we look toward 2018, let us commit to re-embrace the principles that have made Canada great.

* * *

CRIMEAN TATARS

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.): Mr. Speaker, in December 1917, 100 years ago, the Crimean Tatars proclaimed their democratic republic and launched their national assembly, the Qurultay. The Bolsheviks abolished this state and in 1944, Stalin attempted ethnocide through the mass deportation of Crimean Tatars into central Asia. Almost half perished during the deportation. However, starting in 1989, Crimean Tatars began returning home, and under independent Ukraine were provided citizenship and a formal right of return.

Sadly, history seems to be repeating itself. With Russia's 2014 military invasion and illegal occupation, the Crimean Tatars are once again facing disappearances, the murder of leaders, exile, and collective repression and persecution.

As we commemorate the centenary of the Crimean Tatar Qurultay, let us reaffirm that Crimean Tatars are the indigenous people of Crimea and that Crimea is Ukraine.

* * *

YOSIF AL-HASNAWI

Mr. Bob Bratina (Hamilton East—Stoney Creek, Lib.): Mr. Speaker, the city of Hamilton remains in shock and sorrow over the tragic and needless loss of a teenage Good Samaritan. Yosif Al-Hasnawi died after trying to help an older person who was being threatened on the street by two young men.

Yosif was a 19-year old Brock University student whose family came from Iraq to Canada to escape the violence in their homeland. His Muslim faith and his parents taught him to help others in need, as it is stated in the Quran.

As he stood between the older man and the assailants, a gun was pulled, a shot was fired, and within an hour Yosif succumbed to a bullet wound in the head. Gone from this earth, and gone from his family, his community, and his future.

Let the Al-Hasnawi family know, my colleagues here in Parliament today, that an attack on one is an attack on all.

* * *

•(1410)

THE OTHER SIDE OF THE HERO

Mr. Todd Doherty (Cariboo—Prince George, CPC): Mr. Speaker, all too often we take for granted those who stand ready to give their lives for us. We live safely, knowing that they stand at the ready to put themselves in harm's way.

The brave men and women who are our paramedics, our firefighters, our police officers, and our Canadian Forces put their uniforms on every day knowing full well that in their service to our country and to our community, they may experience human tragedy and that they themselves may pay the ultimate sacrifice.

These men and women have an almost mythical aura that defies the day to day, but beyond the reality that is our perception, our heroes are, like the rest of us, only human. They are not immune to the horrific circumstances they experience. It takes a toll.

I, along with the member for Elgin—Middlesex—London, invite all members to attend tonight the premier of the documentary, *The Other Side of The Hero*. "*The Other Side of the Hero* takes us into the world of the first responder we rarely see: life out of uniform."

I hope all members will join us tonight at the Sir John A. Macdonald building in room 200 at 7 p.m.

*Statements by Members**[Translation]***ACTS OF HEROISM**

Mrs. Eva Nassif (Vimy, Lib.): Mr. Speaker, what could be more admirable than risking one's life to save someone else's? On May 7, Luc Vincent did not hesitate for a moment to risk his life to help someone when a car veered off a bridge and fell into the Lake of Two Mountains.

Mr. Vincent quickly returned to the scene with a boat and extra help to try to save the individual trapped in the vehicle even though the effects of hypothermia from the icy water were starting to set in. His heroism and selflessness must not be forgotten.

To Luc Vincent and others like him who were quick on their feet and put the well-being of others before their own, I thank you for your courage. Sometimes altruism can change or save a life.

Bravo, Luc.

[English]

He is a hero.

* * *

JUAN DE FUCA

Mr. Peter Fragiskatos (London North Centre, Lib.): Mr. Speaker, Greeks in Canada have a proud legacy as entrepreneurs, artists, athletes, and community leaders. Indeed, our country is home to over 250,000 Canadians of Greek heritage.

As we reflect on Canada's 150th year, I would like to highlight the legacy of a Greek explorer. Ioánnis Fokás was born on the Greek island of Kefalonia in 1536. He was an experienced sailor, one who took missions on behalf of the Spanish court under the name Juan de Fuca to what is modern-day China, the Philippines, and Mexico. He is best known for exploring the area that now bears his name, the Strait of Juan de Fuca, between Vancouver Island and northwestern Washington state. Geological wonders, such as the Juan de Fuca Ridge, Juan de Fuca Plate, and the Juan de Fuca Provincial Park on Vancouver Island's West Coast are all named after him.

On behalf of all Canadians of Greek and Kefalonian heritage, of which I am one, I salute the memory of Juan de Fuca.

[Member spoke in Greek]

[English]

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INTERNATIONAL HUMAN RIGHTS DAY

Hon. Tony Clement (Parry Sound—Muskoka, CPC): Mr. Speaker, I rise today to recognize International Human Rights Day, which was observed yesterday, December 10.

While of course there are numerous examples of human rights abuses that deserve to be highlighted, I would like to emphasize the current human right situation in the Republic of Artsakh or Nagorno-Karabakh. I travelled to the region this summer with One Free World International and observed first-hand the conflict there, and the horrific human rights abuses inflicted upon people who ultimately only wish to live in peace. We met with mothers who have lost sons,

servicemen, and others in the conflicts. I was on the site of some scenes of unspeakable horror.

I have hope for a peaceful and prosperous Artsakh, where people can live side by side with their neighbours, including Azerbaijan. The Artsakh conflict is currently mediated through the Organization for Security and Co-operation in Europe, of which Canada is a full member.

I urge the government to condemn human rights abuses in the region and work to deter further escalation of the conflict.

* * *

SUPREME COURT OF CANADA

Mr. David Lametti (LaSalle—Émard—Verdun, Lib.): Mr. Speaker, on December 15, Chief Justice Beverley McLachlin, Canada's longest-serving chief justice, and the first woman to lead the court, will officially retire from the Supreme Court of Canada.

[Translation]

Originally from Pincher Creek, Alberta, she studied philosophy and law at the University of Alberta.

[English]

She practised law in Alberta and British Columbia before joining the faculty of law at UBC in 1974.

Her 36-year judicial career started in 1981 when she was first appointed to the Vancouver County Court.

• (1415)

[Translation]

From the B.C. Supreme Court to the Court of Appeal, she was appointed by Brian Mulroney as Puisne Judge of the Supreme Court of Canada on March 30, 1989, and was made Chief Justice of Canada on January 7, 2000, by Jean Chrétien.

After 28 years on the bench of the highest court in the land, including 17 years as Chief Justice, Beverley McLachlin is hanging up her robes.

[English]

A truly outstanding jurist, she has been a real leader for the court and our country, and a great Canadian judicial ambassador abroad.

We will remember her sense of humour and her joie de vivre as she enjoys true moments of happiness when cooking for her family and friends, using fresh vegetables—

The Speaker: The hon. member for Skeena—Bulkley Valley.

* * *

WET'SUWET'EN AND GITXSAN

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, it is with great pride and humility that I stand and pay tribute to the wisdom, courage, and determination of the Wet'suwet'en and Gitksan leaders of northern British Columbia.

Oral Questions

Today, marks the 20th anniversary of the landmark Supreme Court decision known as *Delgamuukw-Gisday'wa*. After generations of struggle, these elders stood in our highest court and won not only a victory for their nations but also for first nations across Canada by proving that oral history must have equal standing in our courts. *Delgamuukw* tore down a stone from the wall of legal and colonial oppression. That day 20 years ago did not only change the history of Canada, it changed our very idea of history. It has been said that the arc of the moral universe is long but bends toward justice. While the history of the federal government with respect to this land's first peoples is filled with shame, the struggle for justice is of a far greater power.

Today, we honour the *Wet'suwet'en* and *Gitksan* elders for their determination in opening all our eyes to a more just and beautiful country.

* * *

ROAR OF THE RINGS TOURNAMENT

Mr. Len Webber (Calgary Confederation, CPC): Mr. Speaker, the eyes of Canada's curling world were focused on the Roar of the Rings tournament this past weekend in Ottawa that featured teams from across Canada. Olympic spots were on the line. I was there and the competition was fierce. The fans were passionate. It was a curling competition at its best.

After many games, lots of cheering, agonizing losses, and triumphant victories, it was down to the finals on Sunday. For the women, the final match saw Team Homan of Ottawa best Calgary's Chelsea Carey, Cathy Overton-Clapham, Jocelyn Peterman, and Laine Peters.

On the men's side, Manitoba's Team McEwen was bested by Calgary's finest. A hearty congratulations to Calgary's skip Kevin Koe and his team of Marc Kennedy, Brent Laing, and Ben Hebert. They are off to the Olympics. Calgary and the rest of Canada will be cheering for them every step of the way.

* * *

INTERNATIONAL HUMAN RIGHTS DAY

Mr. Gary Anandasangaree (Scarborough—Rouge Park, Lib.): Mr. Speaker, I rise today to mark International Human Rights Day, a day to reflect on the enormous strides we have made in advancing human rights both in Canada and around the world. It is also a day to recommit to ensuring that the principles outlined in the Universal Declaration of Human Rights are fulfilled.

This sesquicentennial year, Canadians celebrated the 35th anniversary of the Canadian Charter of Rights and Freedoms. We have advanced human rights by accepting the United Nations Declaration on the Rights of Indigenous Peoples; through a historic apology to the LGBTQ2 community for past wrongs; by the introduction of a national housing strategy that looks at housing as a fundamental human right; and by a meeting of federal-provincial-territorial ministers on human rights, the first such gathering in 29 years.

Human rights are universal, indivisible, interdependent, and interrelated. As Canadians, we need to strive toward the attainment

of human rights for all. It is the greatest legacy we can leave our children.

ORAL QUESTIONS

[*Translation*]

ETHICS

Hon. Andrew Scheer (Leader of the Opposition, CPC): Mr. Speaker, the Prime Minister is currently under investigation because he accepted a free trip, and his Minister of Finance is under investigation for a potential conflict of interest concerning the pension bill. The Ethics Commissioner is so busy with the Liberals that we are not certain that she will complete her investigations by the end of her term in office.

Will the Prime Minister commit to ensuring that the investigations will continue after the Ethics Commissioner is replaced?

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, as I have often said, I have recused myself from any discussion concerning the appointment of the next conflict of interest and ethics commissioner. Moreover, four of my staff members have set up an ethics screen to prevent them from participating in these discussions.

Having said that, my team responsible for appointments will continue to provide the same support to the Leader of the Government in the House of Commons and her staff as it does to all other ministers' offices, and as it has done for hundreds of appointments right across government.

● (1420)

[*English*]

Hon. Andrew Scheer (Leader of the Opposition, CPC): Mr. Speaker, I can understand how inconvenient it is for the cabinet that the Prime Minister cannot answer these questions because he is under investigation. However, Canadians need to know.

Normally a new ethics commissioner would be appointed by government after consulting with the opposition and a parliamentary committee hearing for the nominee, but the Liberals are trying to ram this appointment through.

If the Prime Minister cannot answer this himself, is there someone over there who could make the commitment that members of Parliament will have the opportunity to interview the nominee for the Ethics Commissioner before the appointment is official?

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, after 10 years of the kind of patronage that the previous government put forward, we put forward an independent, merit-based process for government appointments. This ensures that government appointments are not only of the highest quality, but reflect the range and scope of experiences and diversity that make Canada strong.

I know that every member of this House relies on the impartial and expert advice that the Conflict of Interest and Ethics commissioner will give, and I have the utmost confidence that the government House leader is managing this appointment process appropriately and as must be expected.

Oral Questions

[Translation]

VETERANS AFFAIRS

Hon. Andrew Scheer (Leader of the Opposition, CPC): Mr. Speaker, during the election campaign, the Prime Minister promised that no veterans would have to fight their own government for the support and compensation they had earned.

For the past two years, however, our veterans have been forced to fight this Prime Minister. Now there are reports that the backlog for veterans' disability benefits has grown by 50% since the end of March. Our veterans deserve unqualified respect, because they defended Canada.

Why is the Prime Minister not defending them?

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, here is what happened. For 10 years, the Conservative government closed veterans' service centres. It exploited the image of veterans, yet neglected to provide them with the services and benefits they were entitled to. However, over the past two years, we have reopened these service centres and invested much more money to support veterans, in addition to providing them with much more help. Veterans are starting to come to us with suggestions. After losing hope under the previous government, they are getting back into the system, our new system, and that is a good thing.

[English]

Hon. Andrew Scheer (Leader of the Opposition, CPC): Mr. Speaker, like many Canadians, veterans are now realizing that the Prime Minister said just about anything during the campaign to get elected. It is the Liberal government's record that has resulted in an increase of 50% for the backlogs of these cases. That is on him and his government, nobody else's.

The defence ombudsman has made simple, easy recommendations to improve the transition of our armed forces members onto the veterans affairs payroll, and this Prime Minister has yet to act on any of them. When will he start listening to the advice of experts and stand up for our vets?

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, it is fairly straightforward what happened. So many veterans had abandoned the idea of getting help under the previous government that now that we are putting in place systems and benefits they can access, reopening offices that Conservatives shuttered, more and more veterans are coming forward to claim what this government, and all governments, owe them.

This is a good thing. What is great is that we have been tooling up over the past years so that we can give all the veterans what they are entitled to. The veterans coming forward to claim their benefits—

The Speaker: The hon. Leader of the Opposition.

* * *

TAXATION

Hon. Andrew Scheer (Leader of the Opposition, CPC): Mr. Speaker, only to a Liberal would increasing spending and getting worse results be a good thing. Canadians are sick at this point of the attitude. It is not just veterans who are realizing that the government has had a mean-spirited and cold-hearted attitude towards them.

Those who have applied for disability tax credits have realized it as well.

Just last week, the Minister of National Revenue told this House, "I would like to reassure all Canadians who receive the disability tax credit that the eligibility criteria have not changed."

However, on Friday, her parliamentary secretary apologized for that very change, which saw 80% of applicants seeing their claims denied.

Can the Prime Minister explain, if there was not a policy change, exactly what did his government apologize for?

• (1425)

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, as a government, we are committed to ensuring that citizens get all the benefits to which they are entitled. That is something we have been focused on over the past two years, and that is something that we are delivering on. We have heard that the clarification letter has resulted in negative impacts, and that is why we are looking at it carefully, to ensure that indeed we are getting the delivery of services that Canadians expect.

* * *

[Translation]

VETERANS AFFAIRS

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, things have been going downhill for veterans ever since this government came to power two years ago. Sooner or later, the government is going to have to take responsibility for that.

It is the Government of Canada's responsibility and duty to ensure that those who have served our country are not left out in the cold, but apparently 71% of veterans are still waiting longer than three months to get their pension. That has a significant negative impact on their finances and their lives.

Will the Prime Minister ensure that pensions and support for veterans and their families are in place before they leave the army?

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, over the past two years, we have worked hard to restore the level of service our veterans expect and deserve.

We still have work to do, but we note that many veterans are submitting their applications under a system that failed them for 10 years under the Conservative government.

That is why we are working very hard to meet the requirements. We have reopened nine service centres for veterans, and we will keep working hard to ensure that this government recognizes our veterans' extraordinary service and sacrifices.

[English]

Ms. Irene Mathysen (London—Fanshawe, NDP): Mr. Speaker, with less than a third of cases actually meeting departmental targets, the government is barely paying lip service to veterans. The department remains understaffed, thanks to Conservative cuts and the Liberals' failure to hire enough staff to meet increased demands, and veterans are still waiting to hear what the government's new promised pension scheme will be.

What is the delay? Where is the plan? Will the minister release his plan for our country's veterans before the House rises?

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, the fact is that we have worked very, very hard over the past two years to restore the kinds of benefits that our veterans deserve and that they did not get under 10 years of a Conservative government. There is much to do, and there continues to be more to do. We look forward to continuing to work with veterans groups to ensure that the new lifelong pension is restored to the level that everyone can expect. These are the kinds of things that we know need to happen, and they need to happen right, and that is why we are taking it so very, very seriously.

* * *

CANADIAN HERITAGE

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, newspapers are closing across the country, and the principle of a free and democratic press is actually in jeopardy. The favouritism that the government is showing to American digital giants such as Netflix is a large part of the problem. After confusingly defending her scheme, the heritage minister threw the ball in the finance minister's court, who left her hanging by confirming that he will continue giving Netflix a free pass.

With his cabinet in disarray on this issue, the Prime Minister must step in and defend the press. Will he do it?

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, the first thing we did when we came into office was to lower taxes on the middle class and raise them on the wealthiest 1%. Therefore, despite what the Conservatives and the NDP propose, we will not be raising taxes on Canadians.

[Translation]

Mr. Pierre Nantel (Longueuil—Saint-Hubert, NDP): Mr. Speaker, the Minister of Canadian Heritage came back to Montreal on Friday to say the same thing she had said two months ago. The only difference was that she added that she had heard Quebec and would stop defending Netflix's tax break, but that the Minister of Finance would have to be consulted.

Quebec is united in condemning the unfair tax treatment enjoyed by Netflix and other web giants. Everyone is against it, including unions, business leaders, the media, journalists, and artists.

Did the Minister of Finance give any answer other than no? This is pathetic.

Is that how important Quebec's unanimous opinion is to this government and to the Prime Minister?

Oral Questions

Do they have anything to offer besides the same old blather at UNESCO and standing up to defend our culture, or are they going to defend the indefensible—

The Speaker: Order. I would ask members to be more careful in their choice of words.

The Right Hon. Prime Minister.

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, over the past few months, I have had the pleasure of travelling all over Quebec, including Lac-Saint-Jean, where I talked to Quebecers about their priorities. I can say that not one Quebecer asked me to raise their taxes. Even though the Conservatives and the NDP want to raise taxes on consumers, we are not going to raise taxes on consumers. We are going to continue lowering taxes on the middle class and raising them on the wealthiest Canadians, not on ordinary folk.

* * *

● (1430)

TAXATION

Mr. Alain Rayes (Richmond—Arthabaska, CPC): Mr. Speaker, on January 1, not long from now, the tax reform will come into force and have an adverse effect on small and medium sized enterprises. They have not received any details. Tax experts have been clear that it is already too late. The minister will be squeezing even more money from businesses. It seems like they are getting a lump of coal for Christmas.

Would the Prime Minister not give Canadians an actual gift instead by firing his Minister of Finance and giving our job creators a break from these repeated attacks?

Mr. Joël Lightbound (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, let me reassure my colleague. The details about our reform regarding income sprinkling will be announced very soon. I would remind my hon. colleague that our goal is not to have an impact on family businesses so much as to inject a bit of tax fairness into our system. We think that it is unfair that some wealthier Canadians can use a private corporation to save the equivalent of the average annual salary in Canada, or \$48,000. We want to enhance tax fairness. I know that that is a difficult concept for the opposition to understand.

Mr. Alain Rayes (Richmond—Arthabaska, CPC): Mr. Speaker, allow me to read an excerpt from one of the hundreds of letters I get at my office.

I am outraged to see that our Minister of Finance wants to trample on the fundamental right of all Canadians to plan their financial affairs for tax purposes. Every small business owner is being penalized. The injustice is twofold: a bad tax reform coupled with no chance for planning.

The minister should step down for such hypocrisy and lack of accountability.

Signed, an angry citizen,

Pierre

Can the Prime Minister do the right thing—

The Speaker: Order.

The hon. Parliamentary Secretary to the Minister of Finance.

Oral Questions

Mr. Joël Lightbound (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, on the contrary, our goal has always been to ensure that family members who work in the family business can continue to do so and be paid for it. We simply want to enhance tax fairness because at the moment some Canadians have access to tax benefits that are not available to the majority of Canada's middle class. I would like to remind the House that by 2019, all SME owners will benefit from a lower SME tax rate, which will be reduced from 10.5% to 9%. We are doing this because we recognize just how important SMEs are to Canada's prosperity and economic vitality.

[English]

Hon. Candice Bergen (House Leader of the Official Opposition, CPC): Mr. Speaker, with only three weeks left until the tax changes come into effect, the Minister of Finance refuses to tell small businesses what effect the changes will have on them. He says that it is no big deal. We know it is not a big deal for the minister, because he has his millions sheltered from taxes in offshore accounts and numbered companies, but it is a big deal to local small business owners who are trying to deal with hypocritical and unfair Liberal tax changes. Why is the Minister of Finance so disrespectful to our small business owners?

Mr. Joël Lightbound (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, I want to reassure my colleague from the opposition that the details will be coming in very shortly. Our objective is to bring more tax fairness to a system where there are inequities built into the system. Our objective is also to always support the family business model. We have no intention of impacting the family members who work in a business.

I might also remind the member that what is good for small businesses is the fact that we have reduced taxes for small businesses from 11% to 10.5%, to eventually 9% by 2019. The growth in Canada is the fastest in the G7, and 600,000 jobs were created. That is good for all businesses.

Hon. Candice Bergen (House Leader of the Official Opposition, CPC): Mr. Speaker, do they remember the last time that the Liberals said these small business tax increases were no big deal and the small business owners should not worry? That did not go so well for the Liberals. Have the Liberals learned absolutely nothing? They are punishing small businesses again, not just with this hypocritical tax increase, but by the minister's ignoring small business owners' very substantial questions for some information.

The Minister of Finance always seems to be hiding something, does he not? What is he hiding now from small business owners?

Mr. Joël Lightbound (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, our objective is that we will always stand behind the family business model. We have reduced taxes for small businesses from 11% to 10.5%, and to 9% by 2019. That is because we realize the importance of small businesses contributing to the prosperity and growth of Canada. We have great results. Our plan is working. We have the fastest growth in the G7, and 600,000 jobs were created in the last two years, most of them full-time. That is the work of this finance minister and this government supporting small business owners from coast to coast to coast.

• (1435)

Hon. Pierre Poilievre (Carleton, CPC): Mr. Speaker, the finance minister plans a reasonableness test to determine what small businesses can pay their family members. Here is what the former chief justice of the tax court says about it: "I think it's going to substantially increase the number of cases that go to the court, because it's going to be a battle between the CRA and the taxpayers as to what 'reasonable' means in various situations."

How much will this cobweb of rules cost the CRA to enforce, small businesses to comply with, and both of them to litigate?

[Translation]

Mr. Joël Lightbound (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, we listened to Canadians and business owners from coast to coast to coast. We reviewed the proposals that were submitted over the past few months. Details about income sprinkling as it relates to our tax reform will soon be available to all Canadians.

[English]

Hon. Pierre Poilievre (Carleton, CPC): Mr. Speaker, the question was for the finance minister. He is the one who says he is going to impose a reasonableness test on what family businesses can pay their family members. It is not just the past chief justice of the tax court, but the current chief justice who, in an extraordinary comment, said these rules are so vague that no one will know how to enforce them or interpret them.

Why does the government not listen to the judges and small businesses and do away with this complex web of tax increases?

Mr. Joël Lightbound (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, as I mentioned, it would be my pleasure to work with the member opposite to explain the details when they are known. The details regarding income sprinkling should be known imminently. We will always stand behind small business owners. That is why we will reduce the small business tax rate from 11% down to 9% by 2019, because we recognize the importance of small business. We will always be behind the family business model, and we want to continue to work to make sure that prosperity is trickling down to everyone in this country.

Oral Questions

[Translation]

CANADIAN HERITAGE

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, regarding the unfair treatment that benefits Netflix over its competitors, the Minister of Finance, and now the Prime Minister as well, are slamming the door on Quebecers yet again. The Minister of Canadian Heritage was first in line, although clearly, her voice does not carry much weight around the cabinet table, nor do the voices of Liberal members from Quebec. They refuse to listen to the consensus in Quebec. The Minister of Canadian Heritage says one thing and then the Minister of Finance says the opposite. They need to get their stories straight.

When will the government stop ignoring the consensus in Quebec?

Mr. Sean Casey (Parliamentary Secretary to the Minister of Canadian Heritage, Lib.): Mr. Speaker, our government has always been very clear on this, and our position has not changed. We understand the concerns of the francophone cultural sector. We want to reassure the cultural sector of our support and point out that we have made historic investments in support of our culture. We have made massive investments in arts and culture, over \$2.3 billion to be precise. We have reinvested in the Canada media fund to support television production. These investments have a tangible impact on our artists' lives.

* * *

[English]

GOVERNMENT COMMUNICATIONS

Mr. Erin Weir (Regina—Lewvan, NDP): Mr. Speaker, the federal government has aggravated the crisis in local media by slashing its own advertising in Canadian publications, while pouring millions of dollars into American digital giants. In a report tabled last week, the government operations committee unanimously recommended increasing the share of federal advertising in Canadian publications.

Will the government follow this all-party recommendation to support our local media and reach more Canadians?

Ms. Joyce Murray (Parliamentary Secretary to the President of the Treasury Board, Lib.): Mr. Speaker, our government took another step to making government more open and transparent and accountable by delivering on our commitment to eliminate partisan advertising and to modernize its communications. We now have a process in place for conducting independent reviews of paid government advertising to ensure that it is non-partisan. In addition to that, we have reduced our advertising budget by 50% compared to the previous Conservative government with its partisan advertising.

We are proud of what we are doing, and we appreciate the work of the committee in looking at the advertising budget for the future years.

● (1440)

[Translation]

TAXATION

Mr. Gérard Deltell (Louis-Saint-Laurent, CPC): Mr. Speaker, on May 2, an internal Canada Revenue Agency email instructed officers to deny 80% of tax credit claims from diabetics.

Last Friday, the agency announced that it would review all rejected claims. This is clearly an admission of guilt by the government. There is one thing that this government lacks, and that is honour.

Could someone in this government rise and apologize to diabetics on behalf of their government?

[English]

Ms. Kamal Khera (Parliamentary Secretary to the Minister of National Revenue, Lib.): Mr. Speaker, our objective has always been clear, to ensure that Canadians have access to the credits they are eligible to.

With the reinstatement of the disability advisory committee, the agency will have a formal advisory process to work on improving the accessibility of its services to Canadians with disabilities. We are giving these groups back their seat at the table, which the Conservatives took away in 2006. This formal process will ensure that any future actions taken by the agency will be made in consultation with stakeholders.

[Translation]

Mr. Gérard Deltell (Louis-Saint-Laurent, CPC): Mr. Speaker, there was no need for a committee to resolve a situation that was completely unacceptable.

When we were in power, 80% of claims were approved. When the Liberals are in power, 80% of claims are denied. The Minister of National Revenue rose 23 times in the House and stated that there had been no changes in the rules. Last Friday, her department said the exact opposite.

I will ask my question again. Is there anyone in this government who will do the honourable thing and rise to tell diabetics that the government made a mistake and is apologizing?

[English]

Ms. Kamal Khera (Parliamentary Secretary to the Minister of National Revenue, Lib.): Mr. Speaker, as a registered nurse, I know how important it is to vulnerable groups to have their voices heard.

With the announcement of the disability advisory committee last week, we will make sure of how the agency administers its credits and benefits for people with disabilities. Following concerns raised by Canadians, the agency is evaluating applications to determine whether or not there has been an impact on the delivery of the DTC.

We will continue to take steps to improve the agency's services to all Canadians, particularly the most vulnerable in our country.

Oral Questions

Mr. Pat Kelly (Calgary Rocky Ridge, CPC): Mr. Speaker, after two months of questions by the opposition and pressure from Diabetes Canada, the Liberals have finally said they will revert to their pre-May 2 policy. The strange thing is that even while the minister reverses her policy, she continues to deny she ever made a change in the first place.

Will the minister finally admit that she made a choice to deny the credit she is now trying to cover her tracks in regard to, and will she apologize to type 1 diabetics?

Ms. Kamal Khera (Parliamentary Secretary to the Minister of National Revenue, Lib.): Mr. Speaker, our government is committing to ensuring that all Canadians who are eligible for credits and benefits have access to them. Following concerns raised by Canadians, the agency is evaluating applications to determine whether or not there has been an impact on the delivery of the DTC. Through the disability advisory committee, disability advocates, medical professionals, indigenous advocates, and other important stakeholders will now be consulted on how the agency can improve its services to Canadians with disabilities. Unlike the previous government, we want these groups at the table.

Mr. Pat Kelly (Calgary Rocky Ridge, CPC): Mr. Speaker, during the meeting with stakeholders on November 30, the minister insisted there was no evidence that there had been any change to the disability tax credit. During that same meeting, type 1 diabetics produced the evidence. They showed her documents that proved that the eligibility criteria had changed.

This minister's treatment of diabetics has been terrible. Will she finally quit fighting type 1 diabetics and apologize for her appalling conduct?

Ms. Kamal Khera (Parliamentary Secretary to the Minister of National Revenue, Lib.): Mr. Speaker, again, let me be absolutely clear that the law and the eligibility criteria for the disability tax credit have not changed.

We will continue to improve the accessibility of this credit to Canadians and have already taken extremely important actions. We have simplified the application form. We have allowed more nurse practitioners to certify those patients' applications, and with the reinstatement of the disability advisory committee, we are bringing stakeholders back to the table to better determine how we can improve access even more.

* * *

[Translation]

CANADIAN HERITAGE

Ms. Brigitte Sansoucy (Saint-Hyacinthe—Bagot, NDP): Mr. Speaker, *Le Courrier de Saint-Hyacinthe*, which has been in print since 1853, is the oldest French newspaper in America and is a member of the Coalition pour la pérennité de la presse d'information au Québec.

Local media are a pillar of democracy, and in all of our ridings, they are losing a significant portion of their ad revenue to web giants. This government keeps saying that it cares about information and about the future of our local media.

When will this government support our local media, as it has done for so many other industries?

• (1445)

Mr. Sean Casey (Parliamentary Secretary to the Minister of Canadian Heritage, Lib.): Mr. Speaker, we know that trustworthy journalistic content is essential to a healthy democracy. Our thoughts are with the employees and their families who have been affected by these cuts. Canadians value local media, and we will continue to support this industry. We have already announced that we are going to modernize our programs to better support the newspaper industry, both in print and online. We take this issue very seriously.

[English]

Ms. Tracey Ramsey (Essex, NDP): Mr. Speaker, two weeks ago, we learned that more than 30 local and community newspapers throughout Ontario will shut down. These newspapers employ 291 people, who will all lose their jobs. Some of these local papers have been publishing since the 1800s.

The people of Essex are lucky to still have their community news, but if the attitude of the Heritage Minister, who says the Liberals will not bail out local media, does not change, local newspapers will shut down in the communities of all members.

How can the minister continue to sit back and do nothing when Canadians are losing jobs and their news sources?

Mr. Sean Casey (Parliamentary Secretary to the Minister of Canadian Heritage, Lib.): Mr. Speaker, our thoughts are with the workers and their families affected by the cuts in the print media industry. Canadians value local news, and our government will continue to support it. We know that reliable journalistic content is critical to a healthy democracy.

We have already announced that we will be modernizing our programs to better support local media in both paper and digital formats. Our approach will be to support innovation, adaptation, and transition to the digital era. This is something our government takes very seriously.

* * *

[Translation]

HOUSING

Mrs. Alexandra Mendès (Brossard—Saint-Lambert, Lib.): Mr. Speaker, yesterday marked the 70th anniversary of the signing of the Universal Declaration of Human Rights. The government has put a lot of emphasis on protecting and promoting human rights in Canada and abroad. The first-ever national housing strategy is a perfect example. The government has announced the progressive implementation of every Canadian's right to adequate housing.

Could the minister responsible for housing tell us what that means for Canadians?

Oral Questions

Hon. Jean-Yves Duclos (Minister of Families, Children and Social Development, Lib.): Mr. Speaker, I would like to begin by thanking and commending my colleague from Brossard—Saint-Lambert for the remarkable work she does for her constituents and to support the right to housing. The right to housing is a fundamental right that must be guaranteed to all Canadians. The right to housing is also the cornerstone of the Government of Canada's first-ever national housing strategy, a strategy that will reduce homelessness in Canada by 50% and help 500,000 Canadians out of unaffordable or substandard housing conditions. Canadians are all very pleased that the Government of Canada is back as a strong, reliable, long-term housing partner.

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[English]

ETHICS

Hon. Peter Kent (Thornhill, CPC): Mr. Speaker, the clock continues to tick on three important investigations by the Ethics Commissioner: two of the Prime Minister's conflict of interest holiday violations and, of course, the most recent of several involving the finance minister. However, as Canadians wait patiently for the commissioner to report, her spokesperson says that if these reports are not completed before she leaves office in the coming weeks, it will be up to her unnamed successor to continue, restart, or abandon those investigations.

Will the Prime Minister commit to appointing someone who will continue these important investigations?

Hon. Bardish Chagger (Leader of the Government in the House of Commons and Minister of Small Business and Tourism, Lib.): Mr. Speaker, our government values the work of the Conflict of Interest and Ethics Commissioner. We have put in place a new appointment process that supports an open, transparent, and merit-based selection that is open to all Canadians to apply to.

We have confidence in this process, and it is from this process that a nominee will be named. The selection process requires a comprehensive approach. We will not undermine the process.

The government has a responsibility to put forward a nominee, and we take that responsibility very seriously. We are committed to identifying the most qualified candidate through this process as quickly as possible.

Hon. Peter Kent (Thornhill, CPC): Mr. Speaker, delay is the deadliest form of denial. Canadians can clearly see, by the Liberals' unacceptable delay in appointing a new Ethics Commissioner and the PM's flippant disregard of the ethics laws and regulations fundamental to the House, that ethical practices are discretionary for Liberals.

Canadians deserve rulings on the ethical lapses of the Prime Minister and his finance minister. Will he commit to appointing a new Ethics Commissioner who will continue these important investigations?

• (1450)

Hon. Bardish Chagger (Leader of the Government in the House of Commons and Minister of Small Business and Tourism, Lib.): Mr. Speaker, as I have just responded, we have put in place a new process, an open, transparent, and merit-based

appointment process, in which Canadians are eligible to apply, as all positions are appointed online.

We look forward to the outcomes of this process and putting forward a name. We look forward to working with opposition parties to ensure that the new nominee can start to work as soon as possible.

[Translation]

Mr. Jacques Gourde (Lévis—Lotbinière, CPC): Mr. Speaker, considering the Liberal government's numerous ethical problems, the appointment of a new Conflict of Interest and Ethics Commissioner is a priority for Canadians. Canadians need assurances that the appointment will not be partisan.

Can the Liberals assure us that the next Conflict of Interest and Ethics Commissioner will continue the ongoing investigations into the Prime Minister and the Minister of Finance?

Hon. Bardish Chagger (Leader of the Government in the House of Commons and Minister of Small Business and Tourism, Lib.): Mr. Speaker, our government values the work of the Conflict of Interest and Ethics Commissioner.

We have put in place a new appointment process based on an open, transparent, and merit-based selection process. All interested Canadians may apply. We have confidence in this process, and it is from this process that the next person will be appointed. We are committed to identifying the most qualified candidates through this process as quickly as possible.

[English]

Mr. Bob Zimmer (Prince George—Peace River—Northern Rockies, CPC): Mr. Speaker, the Ethics Commissioner's term expires on January 8, but she has not finished her investigation into the Prime Minister's holiday to billionaire island. She has not finished her investigations into the finance minister's multiple conflicts of interest either. We have no commitment from the government that she will complete these investigations by January 8. We have no guarantee that the new ethics commissioner will pick up these investigations where she left off.

What assurances can the government give that these ethics investigations into the Prime Minister and the finance minister will not simply be swept under the rug?

Hon. Bardish Chagger (Leader of the Government in the House of Commons and Minister of Small Business and Tourism, Lib.): Mr. Speaker, as I have said, our government values the work of the Conflict of Interest and Ethics Commissioner. That is something we will always continue to do.

I encourage members opposite to have regard for those officers and the important work they do. We have an open, transparent, merit-based selection process. We have confidence in that process. We know we will be putting forward a name that will work hard for all Canadians.

*Oral Questions***PENSIONS**

Mr. Scott Duvall (Hamilton Mountain, NDP): Mr. Speaker, a year ago, I wrote to the finance minister, asking him to use his meeting with the country's finance ministers to fix his flawed CPP enhancement legislation and restore the drop out provisions for child rearing and those living with disabilities. Despite promising to bring it up as a priority with his counterparts, we have not heard of any results to date. Is this another item on the list of hollow promises from the government?

Will the finance minister use today's meeting to do the right thing and finally fix the problem that will affect 14 million Canadians?

[*Translation*]

Hon. Jean-Yves Duclos (Minister of Families, Children and Social Development, Lib.): Mr. Speaker, I am proud to be part of a government that makes the well-being of our seniors a priority not just for today, but for generations to come.

In June 2016, the Minister of Finance partnered with the provinces and territories once again to implement a historic agreement to enhance the Canada pension plan, which should free 25% of Canadians from the burden of financial insecurity over the next few years.

We are going to keep working very hard with the provinces and territories to ensure that these substantial improvements benefit as many Canadians as possible.

Ms. Karine Trudel (Jonquière, NDP): Mr. Speaker, the drop out provisions were not included in the changes to the Canada pension plan, and this omission will affect 14 million Canadians, especially women and people with disabilities.

The NDP has been raising this issue for over a year, but the Liberals have yet to do anything about it. However, they still have time to fix this major omission.

Will the minister roll up his sleeves for women and people with disabilities and bring up the subject of the Canada pension plan at the finance ministers' meeting, in order to fix the flaws in this bill?

Hon. Jean-Yves Duclos (Minister of Families, Children and Social Development, Lib.): Mr. Speaker, I am thrilled to be part of a government that has lifted 13,000 seniors out of poverty over the past few years by increasing the guaranteed income supplement. In addition, thanks to our decision to bring the age of eligibility for old age security from 67 back down to 65, 100,000 seniors have been able to escape destitution.

I am proud to be part of a government that is working with the provinces and territories right now to make the Canada pension plan even more flexible and generous for future generations.

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•(1455)

[*English*]

IMMIGRATION, REFUGEES AND CITIZENSHIP

Hon. Michelle Rempel (Calgary Nose Hill, CPC): Mr. Speaker, yesterday was Human Rights Day. Female genital mutilation is a human rights violation.

Even though FGM is a crime in many countries, the practice continues because it is allowed to be shrouded in silence and victims can face stigma or much worse if they come forward. This is why Plan International charges us with raising awareness of the problem.

With reports of FGM practitioners entering Canada, will the minister reverse his decision to remove listing FGM as an intolerable practice from Canada's citizenship guide?

Hon. Ahmed Hussen (Minister of Immigration, Refugees and Citizenship, Lib.): Mr. Speaker, the assertion by the member opposite is completely inaccurate. To be clear, the content of the new guide has not been finalized.

Unlike the previous government, we are engaging with a range of stakeholders and subject matter experts to make sure the new guide better captures the contributions of women, the role of indigenous people, and members of the LGBTQ2 and francophone communities.

I will remind the member opposite that it was her party that removed any references to the LGBTQ2 community rights, including anti-discrimination laws, from the citizenship guide.

Hon. Michelle Rempel (Calgary Nose Hill, CPC): Actually, Mr. Speaker, it was the former Conservative government that first included LGBTQ rights in Canada's citizenship guide.

A leaked copy of Canada's new citizenship guide removed references to female genital mutilation. I do not understand why the minister cannot just condemn this process. It is ridiculous.

Will the minister finally commit to reversing his decision to remove listing FGM as an intolerable practice from Canada's citizenship guide? This is a no-brainer.

Hon. Ahmed Hussen (Minister of Immigration, Refugees and Citizenship, Lib.): Mr. Speaker, the assertion by the member opposite that we have removed anything from a final citizenship guide is completely inaccurate.

Just to be clear, the content for the new guide has not been finalized. Unlike the party opposite, we actually listened to stakeholders, we listened to experts. I want to remind the member opposite that it was her party that removed any references to LGBTQ2 rights, including anti-discrimination laws, from the citizenship guide. We will ensure that the new citizenship guide reflects all Canadians, not just a few.

The Speaker: It is getting much too noisy. Members have to remember that each side has its turn. We can have confidence in the public to assess the questions and the answers.

The hon. member for Leeds—Grenville—Thousand Islands and Rideau Lakes.

*Oral Questions***HEALTH**

Mr. Gordon Brown (Leeds—Grenville—Thousand Islands and Rideau Lakes, CPC): Mr. Speaker, six months ago, the health committee reported to the minister that Canada's thalidomide program needed to be revamped to include the forgotten survivors, beyond the 25 that the government continues to reference. It is almost Christmas again and these survivors are still suffering pain, discrimination, and humiliation.

When will the minister show some compassion, do the right thing, and include the forgotten survivors in the compensation program?

Mr. Bill Blair (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada and to the Minister of Health, Lib.): Mr. Speaker, our hearts go out to thalidomide survivors and we remain deeply committed to offering the support they need to live the rest of their lives with dignity and with respect.

The thalidomide survivors contribution program is helping to support 122 Canadian thalidomide survivors, 25 of whom were identified using the objective review process that was put in place to access the eligibility of unconfirmed individuals.

We wish to acknowledge and thank the health committee for its important work on this matter. We are reviewing its important report and we will be responding in due course.

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INTERNATIONAL TRADE

Hon. Judy A. Sgro (Humber River—Black Creek, Lib.): Mr. Speaker, our government believes that the benefits of free trade should result in opportunities for all Canadians.

Could the Minister of Finance update the House on what our government is doing to deliver on its commitment to allow for participation of unions in Canadian trade remedy proceedings?

Mr. Joël Lightbound (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, our trade agenda puts people at the centre of what we do. In budget 2017, we announced regulatory amendments to ensure that unions would have the right to participate in trade remedy proceedings.

New regulations will come into force early in 2018 and will require relevant unions to be identified in dumping and subsidy complaints and to explicitly identify trade unions as interested parties in various trade remedy proceedings.

Canadian workers deserve to have a voice in these proceedings, and we are taking action to ensure they are heard.

● (1500)

Mr. John Barlow (Foothills, CPC): Mr. Speaker, with Canada's \$4-billion pulse industry in jeopardy, a Liberal trade mission to India, which did not include the Minister of Agriculture and Agri-Food, came back empty-handed. Grain companies have stopped buying peas because of a 50% duty. Pulse producers have lost \$360 million and they face some very difficult decisions as they prepare for next season.

The Liberals bet Canada's farm when they went all in on China, and they lost. Now critical trade agreements, along with alternative market access, are in serious jeopardy.

When is the agriculture minister going to start doing his job and start fighting to secure vital market access for Canada's pulse producers?

Hon. Lawrence MacAulay (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, we are extremely concerned and disappointed with India's increase in import duties of 50% on all peas without providing any advance notification. We are raising our concerns with the Government of India, including the recent trade mission, led by the Minister of International Trade, who raises this issue at every opportunity.

We will continue to work with our farmers to make sure they get every opportunity possible.

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INDIGENOUS AFFAIRS

Mr. Gord Johns (Courtenay—Alberni, NDP): Mr. Speaker, the Nuu-chah-nulth people are eager to reconcile but the Liberals keep fighting them in court. Nuu-chah-nulth fishers have waited since 2009 to exercise their right to catch and sell fish in their own territories. The courts, right up to the Supreme Court of Canada, have confirmed their right to do so, yet the current government still does not honour their rights.

The Liberals claim their most important relationship is with indigenous people. Therefore, when will they prove they are serious about reconciliation, end this costly prosecution of the Nuu-chah-nulth people, and finally recognize their fishing rights?

[Translation]

Mr. Serge Cormier (Parliamentary Secretary to the Minister of Immigration, Refugees and Citizenship, Lib.): Mr. Speaker, a renewed nation-to-nation relationship based on recognition of rights, respect, co-operation, and partnership with the indigenous peoples of Canada is a top priority for our government.

We are working with the five Nuu-chah-nulth nations to resolve fisheries disputes and to maintain stability and operational predictability in the interests of all fishers in British Columbia.

Since this case is before the Supreme Court of British Columbia, it would be inappropriate for me to comment on it at this time.

* * *

[English]

CANADIAN HERITAGE

Mr. Nick Whalen (St. John's East, Lib.): Mr. Speaker, Canada 150 has been a rousing success, and no more so than in St. John's East where we celebrated Canada Day for the 69th time, with cultural events that brought us together as Canadians.

Oral Questions

[Translation]

As Canada 150 winds down, the Avalon Celtics, a peewee hockey team from my riding of St. John's East, are very excited to have the opportunity to participate in the closing celebrations on Parliament Hill.

Could the Parliamentary Secretary to the Minister of Canadian Heritage talk about the success of Canada 150 and—

The Speaker: Order. The hon. Parliamentary Secretary to the Minister of Canadian Heritage.

Mr. Sean Casey (Parliamentary Secretary to the Minister of Canadian Heritage, Lib.): Mr. Speaker, I thank the hon. member for St. John's East for his question and for his excellent work.

Last week, for the first time ever, a temporary family skating rink was installed on Parliament Hill.

[English]

In addition to free family skating time, 32 peewee hockey teams from coast to coast to coast will be here to compete in the “Hockey on the Hill” tournament. This will be a once-in-a-lifetime opportunity for these young players.

We look forward to welcoming all Canadians as we close out the Canada 150 celebrations.

* * *

[Translation]

PUBLIC SERVICES AND PROCUREMENT

Hon. Steven Blaney (Bellechasse—Les Etchemins—Lévis, CPC): Mr. Speaker, with the *Preserver* and the *Protecteur* out of service, there is an operational gap at the Royal Canadian Navy. We are talking about a decade. Even the Standing Committee on National Defence, on which the Liberals have the majority, has recognized this vulnerability caused by delays in the naval procurement strategy.

Our Conservative government did not hesitate. We commissioned the *Asterix*, which was built on time.

The Minister of National Defence is out of excuses for failing to honour his own policy and award a contract to the shipyard for the *Obelix*.

When will we see the *Obelix*?

[English]

Hon. Harjit S. Sajjan (Minister of National Defence, Lib.): Mr. Speaker, in Canada's new defence policy, we are committed to making sure we modernize our Canadian navy. As part of the national shipbuilding strategy, two permanent joint supply ships are required for our navy. However, because of the previous cuts, a capability gap was left and because of that, the interim capability gap will be filled by Davie shipyard, which built the *Asterix*. We thank it very much for its tremendous work.

[Translation]

CANADIAN HERITAGE

Mr. Xavier Barsalou-Duval (Pierre-Boucher—Les Patriotes—Verchères, BQ): Mr. Speaker, the Minister of Canadian Heritage must be pretty hard of hearing because it took her three months to hear what everyone in Quebec was telling her.

It is dangerous to give breaks to foreign multinationals. The minister may have heard but she will not listen; she is knuckling under to the Minister of Finance, who has said no. The Liberals are a bunch of puppets.

Does anyone over there realize that refusing to tax online transactions compromises not just our culture, but the whole of our economy?

● (1505)

Mr. Sean Casey (Parliamentary Secretary to the Minister of Canadian Heritage, Lib.): Mr. Speaker, our government has always been clear on this, and our position has not changed. We understand the concerns of the francophone cultural sector. We want to reassure people and remind them that we have made historic investments in support of our culture.

We have made massive investments in arts and culture, over \$2.3 billion to be precise. We have reinvested in the Canada media fund to support television production. These investments have a tangible impact on our artists' lives.

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MARIJUANA

Mr. Gabriel Ste-Marie (Joliette, BQ): Mr. Speaker, there is no reason to be reassured. What we see is that the Liberal government could not care less about the consensus in Quebec.

The Minister of Finance says that he is flexible when it comes to sharing the revenue from the cannabis tax.

Is he prepared to agree to splitting the tax revenue, with no conditions, on a cost basis? That would mean 100% for Quebec, the provinces, and municipalities, and nothing for Ottawa.

[English]

Mr. Bill Blair (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada and to the Minister of Health, Lib.): Mr. Speaker, our minister and our senior officials have been meeting on this file for over two years. We share a consensus in every part of this country that the current system of cannabis control is failing our kids, enriching organized crime, and putting the health of Canadians at risk.

We continue to remain committed to a respectful discussion with our provincial, territorial, and municipal partners to ensure that those who have responsibilities have the resources they need to fulfill those responsibilities.

FOREIGN INVESTMENT

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, all that remains to be done now is the rubber stamp of the Investment Canada Act for one of Canada's largest construction companies, Aecon, to be sold to a state-owned enterprise of the People's Republic of China, the China Communications Construction Company, CCCI.

This company has a very troubling human rights, environmental, and safety record, yet it has not come before this House. We are not hearing about it. Could the Prime Minister assure this place that this sale will be put through a thorough review before Investment Canada rubber-stamps it?

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, every proposed investment of this scale is examined on a case-by-case basis to ensure that it is in Canada's best interest. This rigorous process is done in consultation with our national security agencies. When it comes to the health and safety of Canadian workers, this is an issue we take very seriously.

We are currently working with provinces and territories to improve occupational health and safety regulations. We expect all companies operating in Canada to follow all provincial and federal regulations and make sure workers have a safe working environment.

ROUTINE PROCEEDINGS

[English]

CERTIFICATES OF NOMINATION

Hon. Bardish Chagger (Leader of the Government in the House of Commons and Minister of Small Business and Tourism, Lib.): Mr. Speaker, pursuant to Standing Order 111.1, I have the honour to table, in both official languages, a certificate of nomination and biographical note for the proposed appointment of Mario Dion to the position of Conflict of Interest and Ethics Commissioner.

I request that the nomination be referred to the Standing Committee on Access to Information, Privacy and Ethics.

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● (1510)

INDIGENOUS AFFAIRS

Ms. Yvonne Jones (Parliamentary Secretary to the Minister of Indigenous and Northern Affairs, Lib.): Mr. Speaker, I have a few reports to table today.

Under the provisions of Standing Order 32(2), I have the honour to table, in both official languages, copies of the “Westbank First Nation Self-Government Agreement: Annual Report on Implementation 2013-14”. I request that this report be referred to the Standing Committee on Indigenous and Northern Affairs.

Under the provisions of Standing Order 32(2), I have the honour to table, in both official languages, copies of the “Nisga'a Final Agreement Implementation Report 2013-14”. I request that this

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report be referred to the Standing Committee on Indigenous and Northern Affairs.

Under the provisions of Standing Order 32(2), I have the honour to table, in both official languages, copies of “Combined Annual Reports 2010-2011, 2011-2012 James Bay and Northern Quebec Agreement and Northeastern Quebec Agreement”. I request that this report be referred to the Standing Committee on Indigenous and Northern Affairs.

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GOVERNMENT RESPONSE TO PETITIONS

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's responses to 43 petitions.

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[Translation]

INTERPARLIAMENTARY DELEGATIONS

Mr. Darrell Samson (Sackville—Preston—Chezzetcook, 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 delegation of the Canadian branch of the Assemblée parlementaire de la Francophonie, APF, concerning its participation at the meeting of the APF Parliamentary Affairs Committee, held in Ho Chi Minh City, Vietnam, from March 24 to 26, 2017.

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[English]

COMMITTEES OF THE HOUSE

FISHERIES AND OCEANS

Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the 12th report of the Standing Committee on Fisheries and Oceans in relation to Bill C-55, an act to amend the Oceans Act and the Canada Petroleum Resources Act.

The committee has studied the bill and has decided to report the bill back to the House with amendments.

TRANSPORT, INFRASTRUCTURE AND COMMUNITIES

Hon. Judy A. Sgro (Humber River—Black Creek, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the 20th report of the Standing Committee on Transport, Infrastructure and Communities, entitled “An Interim Report: Infrastructure and Smart Communities”.

I am pleased to present the 21st report of the Standing Committee on Transport, Infrastructure and Communities, entitled “Lead in Drinking Water”.

NATIONAL DEFENCE

Mr. Stephen Fuhr (Kelowna—Lake Country, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the eighth report of the Standing Committee on National Defence, entitled “Canada's Support to Ukraine in Crisis and Armed Conflict”.

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Canada proudly stands with the Ukraine.

[Translation]

AGRICULTURE AND AGRI-FOOD

Mr. Pat Finnigan (Miramichi—Grand Lake, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the 10th report of the Standing Committee on Agriculture and Agri-Food entitled “A Food Policy for Canada”. Pursuant to Standing Order 109, the committee requests that the government table a comprehensive response to the report.

* * *

● (1515)

[English]

PETITIONS

PARENTAL RIGHTS

Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC): Mr. Speaker, I am presenting a petition on a subject I have received many passionate representations on in my office. It is a difficult subject. It is on custody arrangements after divorce. The people bringing forward this petition are concerned that the current system, as it relates to this issue, often leads to bitter litigation, primary and secondary custody relationships where one parent may have limited access to the children, and an overburdened legal system.

The petitioners are asking the House to look at alternatives and to try to do better. In particular, they are calling upon the House of Commons to introduce a presumption of equal shared parenting in the event of parental separation or divorce, only exempting cases in which a parent is demonstrably unfit or where a compelling case can be made proving that equal shared parenting would not be in the interest of the child. I commend this petition and the issue in general to the detailed consideration of my colleagues.

FALUN GONG

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.): Mr. Speaker, pursuant to Standing Order 36, I am presenting a petition signed by 60 constituents in my riding of Etobicoke Centre. The petitioners are deeply concerned about the ongoing persecution of Falun Gong practitioners in China, a persecution that has as its goal the eradication of Falun Gong, a spiritual practice based on the core principles of truthfulness, compassion, and tolerance. The petitioners urge legislative efforts in Canada that would help put a stop to the persecution and murder of Falun Gong practitioners and that would investigate allegations of illegal organ harvesting of innocent people in China.

THE ENVIRONMENT

Ms. Sheila Malcolmson (Nanaimo—Ladysmith, NDP): Mr. Speaker, to protect the coast, the jobs, and the ecology dependent on it, petitioners from Gabriola, Nanaimo, Langley, Port Alberni, and Vancouver all urge the Minister of Transport to cancel the proposal for the establishment of five new bulk anchorages off Gabriola Island. These are each 300-metre freighters. The risk of oil spills and the damage from scouring from the anchor chain are untenable, unnecessary, and of no benefit to our community. It is all downside and no upside. I urge the Minister of Transport to hear their cry.

HUMAN RIGHTS

Mr. David Anderson (Cypress Hills—Grasslands, CPC): Mr. Speaker, I present a petition on behalf of 7,456 residents of Canada who call upon the Government of Canada and the United Nations to ensure that Christians and other minorities living in Iraq and Syria enjoy citizenship with equal rights, that they are provided with dignified living conditions, and that Christians are given a prominent role in reconciling and rebuilding society.

They call on the Government of Canada and the United Nations to do three things: ensure that the current and future legal frameworks in Syria and Iraq fully promote and protect the equal and inalienable rights of their citizens, irrespective of race or religion; safeguard the dignified and continued improvement of living conditions for all citizens, but especially for returning refugees and the internally displaced, including through the provision of adequate housing, education, and jobs; and identify and equip religious leaders and faith-based organizations to play a constructive and central role in reconciling and rebuilding both Syria and Iraqi societies.

RELIGIOUS FREEDOM

Mr. David Anderson (Cypress Hills—Grasslands, CPC): Mr. Speaker, I have a second petition on behalf of some folks in my riding and just outside who would say that whereas equality means that all people are treated fairly, without discrimination, and whereas individuals holding Christian beliefs in Canada are experiencing discrimination and some laws are contrary to the practice of their religious or conscience beliefs, they therefore call on the House of Commons to exercise their religious beliefs and conscience rights, both in their private and public acts, without coercion, constraint, or discrimination.

They call on the government to amend section 241 of the Criminal Code, on medical assistance in dying, and the Civil Marriage Act to provide Christians and their faith-based institutions with protection from their provisions. Second, they call on the government to enact a policy to provide a review of any new legislation that may be brought in future by the government to ensure that it does not impinge upon the religious rights of Christians, in accordance with the historic continuity of the Canadian Bill of Rights and the Canadian Charter of Rights and Freedoms.

EMPLOYMENT INSURANCE

Hon. Mark Eyking (Sydney—Victoria, Lib.): Mr. Speaker, I have a petition from hundreds of constituents in my riding. The petition is to change the Canadian EI system for cancer patients. What they want to see is a change in the EI system, which is right now at 15 weeks. They want to see it at 40 to 50 weeks, because most patients need at least a year off to recuperate. Many people with heart problems, strokes, or cancer need that year. They are very productive citizens. Many of them never drew EI in their lives. They want us to help them get back on their feet, become productive citizens, and get back into society. It is a very good petition, and I have all the signatures here in good form.

• (1520)

THE ENVIRONMENT

Ms. Irene Mathysen (London—Fanshawe, NDP): Mr. Speaker, I have two petitions, both the same, from citizens who are very concerned about the fact that the Conservative government stripped environmental regulations covered in the navigable waters act, leaving many hundreds of rivers vulnerable. The ecological diversity of the North Thames, Middle Thames, and Thames River are at risk as a result. They wish the Liberal government to take up its promise to reinstate the environmental protections gutted from the original act and to support my bill, Bill C-355, which commits the government to prioritizing the protection of the Thames River by amending the Navigation Protection Act.

FUNDING FOR GLOBAL EDUCATION

Mr. Robert-Falcon Ouellette (Winnipeg Centre, Lib.): Mr. Speaker, I have two petitions of a similar nature.

Whereas 130 million girls are currently out of school around the world, almost four times the population of Canada, it is a tragic waste of human potential. Therefore, petitioners call upon the House of Commons to fulfill Canada's responsibilities established by the international education commission, to ensure that girls everywhere have access to a quality education. They specifically ask that Canada increase its funding for global education from its current \$302 million to \$592 million by 2020, an increase of two pennies per Canadian per day.

[Translation]

PENSIONS

Ms. Karine Trudel (Jonquière, NDP): Mr. Speaker, I have the honour to present another petition in the House that calls for an end to corporate pension theft. This petition is related to the bill introduced by my colleague from Hamilton Mountain.

Workers rely on their pensions and benefits so they can live and retire with dignity. We are calling on the government to amend its bankruptcy laws, which currently allow corporations to take money intended for their employees' pensions and benefits and use it to pay CEOs, banks, and investors instead.

[English]

EATING DISORDERS

Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP): Mr. Speaker, I am pleased to rise once again to table a petition which asks for the implementation of a pan-Canadian

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strategy for eating disorders. The petitioners indicate that those who suffer from eating disorders such as anorexia and bulimia have the highest rates of mental illnesses. They add that more than one million Canadians suffer, and that their families are negatively affected physically, emotionally, and financially by their struggles.

Given that the holiday season is upon us, this time of year is often more difficult for those who suffer from anorexia and bulimia and their families. They ask the government to work with provinces and territories and those affected, to develop a comprehensive pan-Canadian strategy.

PALLIATIVE CARE

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, many constituents of mine have signed a petition calling on the Government of Canada to take action to encourage palliative care and quality health care. Petitioners recognize that no one level of government has the sole responsibility to ensure that Canadians have good, quality health care systems, in particular with respect to palliative care.

FALUN GONG AND FALUN DAFU

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I rise today to present yet more petitions calling for the People's Republic of China to cease the assault, persecution, and discrimination against practitioners of Falun Dafa and Falun Gong.

Petitioners are calling on the Canadian government to make that clear to the People's Republic of China, and publicly call for an end to the persecution of Falun Gong practitioners.

* * *

QUESTIONS ON THE ORDER PAPER

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the following questions will be answered today: Questions Nos. 1270, 1272, 1277 to 1279, 1282, 1285, and 1289.

[Text]

Question No. 1270—**Mr. Alexander Nuttall:**

With regard to meetings or communication between the Office of the Prime Minister and David Livingston, Laura Miller, Patricia Sorbara and Gerry Loughheed, since November 4, 2015: what are the details of any meetings or communication, including for each the (i) date, (ii) type of communication (i.e. meeting, phone call, email, etc.), (iii) location, (iv) purpose or summary of communication?

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Mr. Peter Schiefke (Parliamentary Secretary to the Prime Minister (Youth), Lib.): Mr. Speaker, the Office of the Prime Minister engages with provincial and territorial governments on a regular basis in the interest of federal-provincial-territorial relations. While the Office of the Prime Minister does not track the details that the question asks for, there were interactions with one of these individuals in their capacity as a staff member of a provincial premier.

Question No. 1272—**Mr. James Bezan:**

With regard to the Income Tax Folio S2-F3-C2, Benefits and Allowances Received from Employment: (a) when did the Office of the Minister of National Revenue become aware of the final version; (b) when did the work on this Folio begin; (c) who initiated the work on this Folio; (d) why is this Folio not available to the public online; (e) has the government done any analysis regarding the economic impacts of the Folio and, if so, what are the results of the analysis; (f) how many departments were tasked to work on the Folio; (g) how many government employees have signed to date any type of non-disclosure agreements or read-in process documents in relation to the Folio; and (h) for each non-disclosure agreement and read-in process document in (g), (i) when was it signed, (ii) what is the duration?

Hon. Diane Lebouthillier (Minister of National Revenue, Lib.): Mr. Speaker, with regard to part (a), Income Tax Folios are technical publications that present the CRA's interpretation of the law, and that summarize tax court decisions and technical positions adopted by the CRA up to the date of a folio's publication. As a result, Income Tax Folios are not subject to ministerial approval.

With regard to part (b), the work on Income Tax Folio S2-F3-C2 began in November 2012.

With regard to part (c), the CRA undertook the Income Tax Folios project in an effort to improve the way in which complex tax matters were explained to taxpayers and their representatives, i.e., accountants, lawyers, and other tax preparers, in order to improve their ability to comply with their tax obligations.

With regard to part (d), Income Tax Folio S2-F3-C2 was available to the public online on the CRA webpages, on the canada.ca website, from July 7, 2016, until October 11, 2017. On October 10, 2017, the Minister of National Revenue instructed CRA officials to clarify the wording of discounts on merchandise in the folio. As a result, the CRA removed the folio from its website and is reviewing the folio's wording with respect to discounts on merchandise.

With regard to part (e), as folios are technical publications that present the CRA's interpretation of the law and summarize tax court decisions and technical positions previously adopted by the CRA, no economic impact study is completed when folios are published.

With regard to part (f), Income Tax Folio S2-F3-C2 was developed by CRA officials. The draft folio was shared for consultation with officials from the Department of Finance and the Department of Justice as part of the folio publication process.

With regard to parts (g) to (h), no such agreements were signed.

Question No. 1277—**Mr. David Sweet:**

With regard to access to the National Holocaust Monument: (a) during what time periods will there be (i) access restrictions for pedestrians, (ii) closures for maintenance purposes, (iii) closures for non-maintenance purposes; (b) for each closure in (a)(ii), what are the details of the maintenance performed; and (c) for each closure in (a)(iii), what is the purpose?

Mr. Sean Casey (Parliamentary Secretary to the Minister of Canadian Heritage, Lib.): Mr. Speaker, with regard to (a)(i), the National Holocaust Monument is currently open to the public from 7 a.m. to 9 p.m. daily. However, public access is restricted overnight to manage and ensure appropriate and respectful use of the site.

Part of the main level of the monument will be cleared this winter, to provide residents and visitors year-round access to the interpretation panels and views of the murals.

Lighting above snow level will continue to operate through the winter. The second level of the monument will not be accessible for safety reasons, and the Flame of Remembrance and the elevator will be turned off during the winter months.

The National Capital Commission will evaluate the impact of the snow removal operations on the structure and integrity of the monument throughout the season. The National Capital Commission will also consult the Department of Canadian Heritage and stakeholders in the community regarding winter usage of the site.

With regard to (a)(ii) and (b), there are no planned closures for maintenance purposes, unless required by exceptional circumstances.

With regard to (a)(iii) and (c), there are no planned closures, aside from those described in response to part (a)(i).

Question No. 1278—**Mrs. Cathay Wagantall:**

With regard to the comments made by the Minister of National Revenue in the House of Commons on October 19, 2017, that "we are on track to recuperate close to \$25 billion" in relation to offshore accounts used by Canadians in order to avoid paying taxes: (a) what are the details of the recuperation including (i) country in which the account was located, (ii) amount recovered, (iii) date of recovery, (iv) date on which the Canada Revenue Agency (CRA) first learned of the account's existence; (b) how did the CRA learn of the account's existence; and (c) how will the recuperated money appear in the Public Accounts of Canada?

Hon. Diane Lebouthillier (Minister of National Revenue, Lib.): Mr. Speaker, the figure included in the question, excerpted from Hansard, refers to the following: Over the past two fiscal years, April 1, 2015 through March 31, 2017, the CRA identified \$25 billion in fiscal impact. More specifically, the CRA's fiscal impact from audit activities was \$12.7 billion in 2015-16 and was \$12.5 billion in 2016-17.

Fiscal impact is the traditional measure used for the CRA's departmental performance report to report on the audit assessment and examination results from compliance activities.

Fiscal impact consists of federal and provincial taxes assessed, tax refunds reduced, interest and penalties, and the present value of future federal tax assessable arising from compliance actions. It excludes the impact of appeals reversals and uncollectable amounts.

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With regard to parts (a) (i) to (iv) and (b), given the above-noted context, the CRA is unable to respond as it does not track such information in the manner requested.

With regard to part (c), fiscal impact of audit activities is noted in the Public Accounts of Canada. Amounts assessed by the CRA are reflected in the Public Accounts of Canada, and include assessments generated by audit activities.

The CRA cannot provide the information in the manner requested, as a taxpayer's CRA account includes outstanding debts and refund offsets from several different CRA programs and revenue lines. The CRA system reflects the on-going outstanding balance and does not link the balances or payments to any specific debt, such as from audit assessment.

Question No. 1279—Mrs. Cathay Wagantall:

With regard to expenditures on the cover for the Fall Economic Statement delivered by the Minister of Finance on October 24, 2017: (a) what is the total of all expenditures; (b) what is the breakdown of expenditures by (i) photography, (ii) printing, (iii) other costs; and (c) what are the details of all expenditures related to the cover, including (i) vendor, (ii) amount, (iii) description of good or service provided, (iv) file number, (v) was the contract sole sourced?

Mr. Joël Lightbound (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, with regard to part (a), the total of all expenditures was \$13,591.64.

With regard to part (b)(i), there was no cost for the photography of the fall economic statement's cover; (b)(ii) the cost to print 575 English and 375 French copies was \$13,591.64; and (b)(iii), there were no other costs associated with the cover of the fall economic statement.

With regard to part (c)(i), the vendor was Lowe-Martin; (c)(ii), the cost to print 575 English and 375 French copies was \$13,591.64; (c) (iii), 575 English and 375 French copies of the fall economic statement were printed; (c)(iv), the file number was 4001370; and (c) (v), yes, the contract was sole sourced.

Question No. 1282—Mr. Glen Motz:

With regard to the commitment on page 12 of the Liberal Party election platform which states "our investment plan will return Canada to a balanced budget in 2019": (a) does the government plan on keeping this promise and; (b) if the answer in (a) is negative, in what year will Canada return to a balanced budget?

Mr. Joël Lightbound (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, with regard to part (a), the government's most recent fiscal outlook, contained in the fall economic statement 2017, was published on October 25, 2017, and is available at the following link: <http://www.budget.gc.ca/fes-cea/2017/docs/statement-enonce/toc-tdm-en.html>.

In the fall economic statement 2017, both the budgetary balance and the federal debt to GDP ratio are projected to decline over the forecast horizon. The government will maintain this downward deficit and debt track, preserving Canada's low-debt advantage for future generations.

With regard to part (b), it is not applicable.

Question No. 1285—Mr. Pat Kelly:

With regard to applications for the Disability Tax credit by persons with type one or type two diabetes respectively: (a) for each month since October 2012, what was the percentage of approvals, disapprovals, and incomplete applications returned to

applicants respectively; (b) with respect to rejections of applications in (a), what percentage of rejected applicants appealed the rejection decision; (c) with respect to rejections of applications in (a), what percentage of appeals were granted or declined respectively; (d) with respect to rejections of applications in (a), has any part of the Government withdrawn or withheld funds, bonds, and grants from the Registered Disability Savings Plans of any applicants; (e) with respect to withdrawals or withholdings in (d), how many applicants who were previously approved for the Disability Tax Credit have had withdrawals or withholdings made from their Registered Disability Savings Plan accounts since May 2017; and (f) with respect to withdrawals or withholdings in (d), what is the total value of funds withdrawn or withheld from Registered Disability Savings Plan accounts since May 2017?

Hon. Diane Lebouthillier (Minister of National Revenue, Lib.): Mr. Speaker, with respect to parts (a) to (f), to be eligible for the disability tax credit, an individual must have a severe and prolonged impairment in physical or mental functions, as defined in the Income Tax Act and as certified by a medical practitioner. Eligibility is not based on a diagnosis, but rather on the effects of the impairment on their ability to perform the basic activities of daily living. Eligibility determinations are not made, or tracked, based on diagnoses. Therefore, the CRA is unable to respond in the manner requested as the data is not available.

Question No. 1289—Mr. Kevin Waugh:

With regard to Defence Construction Canada's Annual Report 2016-2017, Section "Operating and Administrative Expenses" under 2016-17 fiscal year, what are the amounts for: (a) "Travel", broken down by (i) accommodation, (ii) travel, (iii) per diems, (iv) incidentals; (b) "Relocation", broken down by (i) FTEs, (ii) location; (c) "IT hardware"; (d) "IT software"; and (e) "Hospitality"?

Mr. Steven MacKinnon (Parliamentary Secretary to the Minister of Public Services and Procurement, Lib.): Mr. Speaker, with regard to Defence Construction Canada, DCC, and part (a), "travel" was broken down by (i) accommodation, \$149,000.00; (ii) travel, \$286,000.00; (iii) per diems, or meal allowances, \$72,000.00; and (iv) incidentals, \$22,000.00.

With regard to part (b), "relocation" was broken down by (i) FTEs, 12; and (ii) location, including 1, Kingston to Ottawa; 2, Ottawa to Valcartier; 3, Trenton to Kingston; 4, Montreal to Ottawa; 5, Toronto to Kingston; 6, Ottawa to Victoria; 7, Calgary to Victoria; 8, Ottawa to Borden; 9, Montreal to Edmonton; 10, Comox to Victoria; 11, Calgary to Cold Lake; and 12, London to Toronto.

With regard to (c), "IT hardware", the cost was \$130,000; (d), "IT software", \$55,000.00; and (e), "hospitality", \$31,000.00.

* * *

• (1525)

[English]

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if the government's response to Questions Nos. 1267 to 1269, 1271, 1273 to 1276, 1280, 1281, 1283, 1284, 1286 to 1288, and 1290 could be made orders for return, these returns would be tabled immediately.

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The Speaker: Is that agreed?

Some hon. members: Agreed.

[Text]

Question No. 1267—Ms. Anne Minh-Thu Quach:

With regard to the Kathryn Spirit: (a) what amount has been spent by the government since 2011 for maintenance, related costs, abortive towing attempts and any other costs, broken down by (i) year, (ii) private supplier and lead department, (iii) description of the services offered by the supplier, (iv) description of tasks accomplished by public servants, (v) contract start and end date for the private supplier and start date and completion of tasks accomplished by public servants, (vi) value of the contract for each service and amount of expenses to complete tasks carried out by public servants, (b) for each service that used a private supplier, was it chosen by the Coast Guard or by public tender; (c) with respect to the contract awarded by the government to Groupe René Saint-Pierre and Englobe on October 20, 2017, (i) why did the government choose this consortium, (ii) was this consortium chosen according to the lowest bidder rule, (iii) what other companies bid for this contract, (iv) what is the list of all other proposals received by the government, (v) how did the government ensure that the consortium had the necessary expertise for the work and that there would be no environmental damage for the entirety of the work, (vi) has Groupe René St-Pierre Excavation or Englobe ever dismantled wrecks or dealt with hazardous products such as asbestos, PCB or any other product that would be in the wreckage, (vii) are there late penalties (financial or otherwise) if the vessel is not dismantled by the fall of 2018 and, if so, what are they, (viii) are there late penalties (financial or otherwise) if all the work provided for in the contract is not completed on time by the fall of 2019 and, if so, what are they?

(Return tabled)

Question No. 1268—Mr. Mike Lake:

With regard to government advertising outside of Canada, since January 1, 2016, what are the details of each such expenditure, broken down by department, agency, Crown corporation, or other government entity, including, for each, the (i) total amount spent, (ii) vendor, (iii) amount of contract, (iv) date, (v) medium of advertising, (vi) description of work completed, (vii) description of campaign associated with expenditure, (viii) file number of contract?

(Return tabled)

Question No. 1269—Mr. Mike Lake:

With regard to artwork and graphic design work for government publications, since January 1, 2016: for each publication, what is the (i) total amount spent, (ii) vendor, (iii) amount of contract, (iv) date, (v) title of the publication, (vi) number of copies of the publication published, (vii) description of any campaign associated with publication, (viii) file number of contract?

(Return tabled)

Question No. 1271—Mr. Bob Saroya:

With regard to contracts signed by the government with Mingarelli and Company (M&C) Consulting Inc., since November 4, 2015, and for each contract: (a) what are the details, including the (i) value, (ii) description of the service provided, (iii) date and duration of the contract, (iv) internal tracking or file number; and (b) was the contract sole sourced?

(Return tabled)

Question No. 1273—Mr. John Nater:

With regard to the statutory responsibilities of ministers: what are the statutory responsibilities of (i) the Minister of Small Business and Tourism, (ii) the Minister of La Francophonie, (iii) the Minister of Science, (iv) the Minister of Sport and Persons with Disabilities, (v) the Minister of Status of Women, (vi) the Minister of Indigenous Services?

(Return tabled)

Question No. 1274—Mr. Jim Eglinski:

With regard to the study conducted by Corporate Research Associates for Employment and Social Development Canada titled “Understanding and Attracting

Millennials”: (a) who approved the study; (b) what are all expenditures, including the finalized budget for the study, broken down by item; (c) when was the study conducted; (d) what were the study findings; (e) what is the website location where the study’s findings are located, if applicable; and (f) what range of ages or years of birth were considered “millennials” for the purpose of this study?

(Return tabled)

Question No. 1275—Mr. Jim Eglinski:

With regard to funding in the province of Alberta related to the Pine Beetle infestation, since January 1, 2016: (a) what are the details of all expenditures, including the (i) amount, (ii) recipient, (iii) date, (iv) description of project, goods, or services provided by expenditure, (v) program name under which funding was delivered; (b) what specific funding, including the possibility of one-time assistance, is planned in the future to combat the Pine Beetle infestation; and (c) why has the funding referred to in (b) not been spent yet?

(Return tabled)

Question No. 1276—Mr. James Bezan:

With regard to changes to Compensation and Benefits Instructions, Chapter 205, Allowances for Officers and Non-Commissioned Members, that became effective on September 1, 2017: (a) what consultations were done prior to changing this policy; (b) what measures were taken to notify members of the Canadian Armed Forces (CAF) of the change; (c) when did the drafting of the revised policy begin; (d) when was the revised policy finalized; (e) what ministerial approval was required before implementing the revised policy; (f) what calculations have been done to understand the financial implications on (i) Paratroop Allowance (Monthly), (ii) Rescue Specialist Allowance (Monthly), (iii) Aircrew Allowance (Monthly), (iv) Land Duty Allowance (Monthly), (v) Diving Allowance (Monthly), (vi) Sea Duty Allowance (Monthly), (vii) Submarine Allowance (Monthly), (viii) Special Operations Allowance (Monthly), (ix) Special Operations Assaulter Allowance (Monthly), (x) Submarine Crewing Allowance (Monthly); (g) have any members of the CAF been asked to repay allowances awarded to them as a result of this policy change, and if so, how many; (h) if the answer in (g) is affirmative, have any members returned their allowance or portions of their allowances to the government, and if so, how many; (i) for each occupation listed in (f) what is the number of individuals who served under a temporary medical category or a medical employment limitation since 2015; and (j) how many individuals listed in (g) served continuously under a temporary medical category or a medical employment limitation for 180 days or more?

(Return tabled)

Question No. 1280—Mr. Arnold Viersen:

With regard to the fleet of automobiles purchased or leased by the government, since November 4, 2015, and located at Canadian missions abroad, broken down by automobile, and by mission: what is the (i) make, (ii) model, (iii) year of manufacture, (iv) is it owned or leased, (v) year of purchase or lease by the government, (vi) price of purchase or lease in both Canadian dollars and local currency, (vii) vendor, (viii) diplomat, official, or government employee assigned to vehicle?

(Return tabled)

Question No. 1281—Mr. Glen Motz:

With regard to the commitment on page 78 of the Liberal Party election platform to conduct a tax expenditure review in order to find \$3 billion in annual savings by 2019-20: (a) what is the current status of the review; (b) which expenditures is the government considering cancelling or reducing; (c) for each instance in (b), what are the details, including (i) expenditure under review, (ii) department responsible for this expenditure, (iii) whether the department is considering cancelling or reducing this expenditure, (iv) potential savings from cancellation or reduction; (d) when did the review commence; (e) when will the review conclude; and (f) how will the results of the review be made public?

(Return tabled)

Question No. 1283—Ms. Marilyn Gladu:

With regard to letter from the Minister of National Revenue on July 31, 2017, that stated “with consideration given to recent advances in technology, adults who independently manage their insulin therapy on a regular basis are unlikely to meet the 14-hours-per-week requirement” and the decision to clawback the disability tax credit from diabetes patients: (a) which section of the Canada Revenue Agency (CRA) recommended this finding; (b) what specific recent advances in technology is the Minister referring to; (c) which stakeholders, if any, were consulted in advance of this change; (d) did any stakeholders object to this recommendation and, if so, which ones; (e) what medical advice did the CRA seek in order to support this finding; (f) does Health Canada consider diabetes to be a serious enough condition in order to meet the 14-hours-per-week requirement; (g) was the Minister of Health consulted in regard to the CRA decision, and if so, was the Minister of Health in favour of the CRA decision; (h) how many diabetics are estimated to be impacted by the CRA decision; and (i) what is the yearly estimated increase in tax revenue as a result of the CRA decision?

(Return tabled)

Question No. 1284—Mr. Pat Kelly:

With regard to bonuses, performance pay, or paid incentives under other names for employees of the Canada Revenue Agency, since November 4, 2015: (a) what bonus programs currently exist in each division or section of the Canada Revenue Agency; (b) for each bonus program in (a), what are the titles of the bonus programs; (c) for each bonus program in (a), what are the criteria or circumstances under which an employee is paid a bonus; (d) for each bonus program in (a), how many bonus payments may an employee receive in a year; (e) for each bonus program in (a), what is the annual maximum an employee may receive in bonuses; (f) for each bonus program in (a), how is the maximum amount an employee can be paid in bonuses calculated; (g) for each bonus program in (a), how many employees received bonuses in fiscal year 2016 and fiscal year 2015 respectively; (h) for each bonus program in (a); what if any changes to the qualifying criteria have been made between January 2014 and October 2017?

(Return tabled)

Question No. 1286—Mr. Kevin Waugh:

With regard to polling by the government: (a) which department manages public opinion polling; (b) how many public opinion polls have been administered since November 5, 2015; (c) what amount has been spent on polls since November 5, 2015; (d) on average, how much does one public opinion poll cost; and (e) what is the list of all poll questions and subjects that have been commissioned since November 5, 2015?

(Return tabled)

Question No. 1287—Mr. Kevin Waugh:

With regard to the Advertising Coordination and Partnerships Directorate of Public Services and Procurement Canada and the Communication Procurement Directorate of Public Services and Procurement Canada: (a) how many full-time equivalents work in each directorate; (b) what amount is spent on salaries in each directorate; and (c) what are the public service classifications (i.e. EX-1), and corresponding pay ranges of each full-time equivalent?

(Return tabled)

Question No. 1288—Mr. Kevin Waugh:

With regard to the Prime Minister’s trip to Edmonton on October 20, 2017: (a) what was the total cost of the trip; (b) how many exempt staff traveled with the Prime Minister; (c) how many non-exempt staff traveled with the Prime Minister; and (d) what were the security costs for the trip?

(Return tabled)

Question No. 1290—Mr. Colin Carrie:

With regard to the statement by the Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness on September 29, 2017, in the House of Commons that “our officials did talk with the City of Oshawa and the mayor”, in relation to the closing of the Canada Border Services Agency office in Oshawa: what are the details of these talks, since November 4, 2015, including (i) officials present,

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(ii) City of Oshawa representatives present, (iii) was the mayor present, (iv) date, (v) location, (vi) type of communication (phone, in person, etc.), (vii) summary of discussion?

(Return tabled)

[English]

Mr. Kevin Lamoureux: Mr. Speaker, I ask that all remaining questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

* * *

PRIVILEGE

STATEMENTS BY MINISTER OF REVENUE REGARDING THE DISABILITY TAX CREDIT

The Speaker: I have notice from the hon. member for Calgary Rocky Ridge that he wishes to add to arguments in relation to a question of privilege that he raised last week.

Mr. Pat Kelly (Calgary Rocky Ridge, CPC): Mr. Speaker, I am rising today to provide additional information to support my question of privilege of Tuesday, December 5, regarding the Minister of National Revenue deliberately misleading the House.

In my submission to you, Mr. Speaker, I demonstrated on several occasions that the Minister of National Revenue tried to convince the House that no changes had been made to the eligibility criteria for the disability tax credit, as well as the way it is interpreted. I then provided an internal memo from the minister's own officials, the procedures and medical review team, that the Department of National Revenue was applying a new and different interpretation to the eligibility criteria for the disability tax credit.

I now have evidence that the minister's parliamentary secretary has also confirmed that the minister's statements were false. On Friday, the parliamentary secretary to the Minister of National Revenue was interviewed on *CBC News*, and during that interview she was asked about the fact that the Canada Revenue Agency was applying different criteria and, because of the fallout from that, the agency had decided to pull back on applying this new interpretation.

She was asked if the government needs to say sorry for what people had gone through because of these changes. The parliamentary secretary said, “Of course, of course...we do apologize for that.”

The reporter pressed her again, stating, “So I just want to be crystal clear here. You said when there is an apology due, we offer one. But you're saying in this instance that you do apologize...”. Her reply again, “Of course.”

The body of evidence is overwhelming. This House can only conclude that, of course, the Minister of National Revenue deliberately misled this House.

On Wednesday, December 6, the parliamentary secretary to the government House leader tried to defend the minister, and referenced page 86 of O'Brien and Bosc's *House of Commons Procedure and Practice*, second edition. The parliamentary secretary said:

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the following three elements have to be established when it is alleged that a member is in contempt or is deliberately misleading the House: one, it must be proven that the statement was misleading; two, it must be established that the member making the statement knew at the time that the statement was incorrect; and three, that in making the statement, the member intended to mislead the House. These criteria have not been met in the situation at hand.

I disagree with the member. To address the member's first element, I have clearly demonstrated that this minister's statements were misleading. To his second point, her own department officials, and now her parliamentary secretary, have revealed that the minister's statements were false. It is not credible for everyone else involved in the interpretation of the criteria to acknowledge the false statements except for the person in charge.

To the member's last point, and I covered this in my question of privilege last Tuesday, the minister made these claims time and time again during question period on many occasions, and anyone who has listened to her statements could not come to the conclusion that they were not deliberate. Clearly, her mission was to convince the House that no changes had been made to the eligibility criteria for the disability tax credit as well as the way it is interpreted.

I am certain that any Canadian following this story would be confused about the conflicting information available on this matter and would have some level of concern that this minister deliberately misled this House.

With that, I leave you, Mr. Speaker, with a ruling from October 21, 1978, where Speaker Jerome quoted a British procedure committee report of 1967, which states in part:

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

● (1530)

The Speaker: I thank the hon. member for Calgary Rocky Ridge for these additional arguments that I will consider along with the other arguments that he and others have previously made in the House on this issue.

I see that the parliamentary secretary to the government House leader wishes to add something.

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, on the point of order, after listening to my colleague across the way, I believe some new information has been brought to the House. On behalf of the government, I would like to look at what the member has put on the record and come to the House in due course with further information.

The Speaker: I thank the hon. parliamentary secretary and would ask the government to return with alacrity, if it has additional argument, or to let the table know if that is not going to happen.

GOVERNMENT ORDERS

[English]

CRIMINAL CODE

The House resumed consideration of the motion that Bill C-51, An Act to amend the Criminal Code and the Department of Justice Act and to make consequential amendments to another Act, be read the third time and passed.

The Speaker: The hon. member for St. Albert—Edmonton has nine minutes remaining in his speech.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Mr. Speaker, as I alluded to before question period, the most substantive part of Bill C-51 deals with amendments to the Criminal Code related to Canada's sexual assault laws. I support many of the amendments to the Criminal Code brought forward in Bill C-51, including those amendments that clean up the Criminal Code by codifying law determined by the Supreme Court of Canada, including the Regina v. J.A. and Regina v. Ewanchuk decisions.

That being said, there is one area of Bill C-51, in terms of changes to sexual assault laws, that causes me some concern. That area of concern relates to the defence disclosure requirements. Bill C-51 would require that in order for the defence to tender evidence in terms of records that relate to the complainant, it would have to bring an application to the court. In other words, records that relate to the complainant would be deemed inadmissible unless the court determined otherwise. Such an application would have to be brought prior to the trial. Moreover, the complainant would have the right to counsel and would be a party to that application.

I have a number of concerns with that. First, the definition of "records" is very broad. The type and scope of records that would be captured are just about any records related to the complainant. That would potentially include joint records, records that both the accused and the complainant otherwise have a right to access, records that are subject to crown disclosure that are in the control of the crown, and records that were ordered subject to a third-party application. When we talk about the breadth of records that would be captured, we could be talking, in some trials, about thousands and thousands of records that would be subject to such an application.

That would potentially result in delay. In addition to the potential for delay, the timing of the application is of some concern. The application would have to be brought prior to a trial. What is the problem with that? One problem is that there are often issues that arise in trials that are not necessarily foreseeable prior to the trial. Therefore, from a practical standpoint, that would mean there could be records that do not appear to be relevant prior to a trial, but could become very relevant as a result of an issue that arises in the course of a trial. That would mean inevitably that there would be applications brought prior to trial. However, in those instances where records become relevant that were not necessarily obvious or apparent prior to trial, it would result in the need for mid-trial applications. That would mean the adjournment of trials and delay in the administration of justice.

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That is particularly concerning in light of the Jordan decision. In Jordan, the Supreme Court determined that delay is presumptively unreasonable where 18 months pass between the laying of charges and a trial in matters before provincial courts, and 30 months in the case of matters before superior courts.

● (1535)

Over the last while, since the Jordan decision was rendered, we have seen dozens and dozens of serious criminal cases thrown out of court, cases involving everything from murder, to sexual assault, to other violent offences. In addition to that, we have seen hundreds, if not thousands, of cases that would otherwise be perfectly prosecutable, but for the Jordan decision, dropped as a result of delay.

The prospect of adding further delay to a system that is stretched to the limit is problematic. What it will potentially mean is more sexual assault cases being thrown out than otherwise would be the case. That is less than comforting to victims of sexual assault. Frankly, it is unacceptable that we could be opening that possibility, and certainly runs counter to the purported objectives of the Jordan decision, which include ensuring that the victims see justice.

I believe that some legitimate questions have been raised about the appropriateness of a complainant being party to such an application with the right of counsel. Very often in sexual assault cases, the outcome of the case rests on the credibility of the complainant. The fact is that most complainants are truthful, but not all complainants are truthful, and in some exceptional circumstances, complainants are not truthful. The effect of this would be that a complainant would gain insight into the defence's case and potential lines of cross-examination. This in turn could undermine trial fairness in a significant way.

In closing, I would like to quote the recent caution of Ontario Superior Court Justice Molloy in the Nyznik case, at paragraph 17, where she stated:

Although the slogan "Believe the victim" has become popularized of late, it has no place in a criminal trial. To approach a trial with the assumption that the complainant is telling the truth is the equivalent of imposing a presumption of guilt on the person accused of sexual assault and then placing a burden on him to prove his innocence.

That pronouncement of Justice Molloy is something that we as members of Parliament need to be mindful of as we try to strike the right balance between ensuring that victims of sexual assault are protected and that their dignity and privacy are upheld with the right of the accused to make full answer in defence.

● (1540)

Mrs. Celina Caesar-Chavannes (Parliamentary Secretary to the Minister of International Development, Lib.): Mr. Speaker, I think we could all agree on the merits of the bill, and I do appreciate the member's insight when it comes to talking about the legalities. I was somewhat disappointed that at the opening of his speech, the member took the opportunity to be partisan and to attack our government, particularly on this very sensitive and important bill as it relates to consent and victims' rights.

In this debate, we have heard members on both sides of the House talk about how the bill would give women the confidence to come forward. We have demonstrated our capacity to work together in the

House. We unanimously passed a motion put forward by the interim opposition leader.

I wonder what the member would say to women in his riding about the benefits of the bill as it pertains to them specifically.

Mr. Michael Cooper: Mr. Speaker, there are a number of good components of this bill relating to changes in the sexual assault laws, including codifying the Ewanchuk decision to make it absolutely clear that the defence of mistaken belief based upon a mistake of law cannot be put forward. The bill is also positive in that it codifies the J.A. decision to make it clear that under no circumstances can a complainant be found to have given her consent when in an unconscious state. These and other changes are positive aspects of the bill.

That said, I do have serious concerns about the defence disclosure requirements. These are very real concerns. They are substantive concerns. They raise charter issues. They go to the heart of trial fairness.

At the end of the day, it is fundamental that complainants be protected in our system. However, it is also fundamental to our justice system that accused persons have the right to make a full answer in defence. That is fundamental to getting to the heart of the proof in a particular case, and to guard against wrongful convictions.

Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC): Mr. Speaker, I wonder if the member could speak a bit to section 176, which this bill had initially proposed removing, and on which there now seems a willingness on the part of the government to back away from doing. This was not a concession that came easily. Obviously, the member will know that he and other members of our official opposition worked very hard, and many Canadians became active and mobilized across faith communities, to show the government that it does not make much sense to, on the one hand, talk about a rising climate of hate and fear and the risks that faith communities might face, but on the other hand to propose removing the one section of the Criminal Code that specifically provides protection for the practice of faith in Canada.

Mr. Michael Cooper: Mr. Speaker, I thank my friend and colleague, the member for Sherwood Park—Fort Saskatchewan, for that important question. I want to acknowledge the work he did as one of the first members to flag the government's proposed removal of section 176 in its initial draft of Bill C-51.

The member is quite right that it took a lot of pressure for the government to come around to do the common-sense and right thing with respect to a section of the Criminal Code that is not unconstitutional, that is not redundant, and that has been used in several cases, including most recently in the case of an Ottawa woman who vandalized a religious statue. He is quite right when he speaks about a climate of fear and hate, in which persons, churches, synagogues, and mosques have been targeted by hateful people. We have seen that recently with a number of acts of vandalism at Ottawa area synagogues and mosques. We have seen many instances of this.

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Not only was the proposed removal of section 176 substantively the wrong thing to do, the timing could not have been worse. It is really inconsistent with the government's purported commitment to ensuring that measures are taken to deal with and address serious issues around hate being perpetrated and individuals being targeted on the basis of their religion or other characteristics.

• (1545)

Mr. Sean Fraser (Central Nova, Lib.): Mr. Speaker, I enjoyed the very legalistic approach taken in my hon. colleague's remarks. I come from a similar professional background and a similar vintage as the hon. member.

However, one of the things I have been privileged to do since I arrived in this place is to serve on the status of women committee. When we did the study on ending violence against women, particularly against young women and girls, some of the testimony that we heard was about the dramatic under-reporting of sexual assault in Canada, and how ill-equipped our legal system is to deal with those who do muster the courage to come forward.

I view this bill as a positive step that will both encourage more young women who have been victimized by and survived sexual violence to report it and potentially result in more convictions when sexual assault is reported. Does my hon. colleague agree or disagree that it will lead to more convictions in circumstances where sexual assault has been committed?

Mr. Michael Cooper: Mr. Speaker, I believe that certain parts of Bill C-51 help clarify the law around sexual assault.

One example of that is the evidence tendered with respect to the twin myths. In that regard, the bill makes it clear that evidence cannot be tendered under any circumstances. That is good because there has been some confusion in the case law with respect to subsection 276(1) and then another subsection, 276(2), and subsection (3), which has resulted in trial judges basically having a balancing test in some cases. This bill would eliminate that and make it clear that under no circumstances can evidence be tendered on the basis that a complainant, as a result of her sexual history, is less believable or more likely to consent. That is a positive step.

The problem with this bill is that it is an omnibus bill. It relates to matters that are unrelated to each another. Therefore, there are parts of this bill that are very positive, but there are other sections that, frankly, are very problematic, including with respect to defence disclosure.

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I would like to pick up on the comment by my colleague across the way that this is an omnibus bill.

We have a number of changes before us in the bill. Those changes come, in good part, as a result of court decisions and reviews that have been done of the Criminal Act. When we take a holistic approach in making some of these changes, would it not be best to incorporate them into one bill in order to have these changes take effect?

Some of these changes deal with completely vain and unnecessary things. For example, who duels nowadays? That is an example of what is being repealed.

Mr. Michael Cooper: Mr. Speaker, it might have made sense for the government to introduce one bill related to changes to the sexual assault laws. However, this bill does more than that. It would, among other things, require the Minister of Justice to introduce a charter statement with any bill a minister introduces in this House. It would remove unconstitutional sections of the Criminal Code, something that I fully support. It would remove sections of the Criminal Code that are redundant, which I fully support, but again that is totally unrelated to the changes to sexual assault laws. Also, it would remove sections like section 49 dealing with protecting Canada's head of state, Her Majesty the Queen, which is again totally unrelated to sexual assault laws.

Therefore, this is an omnibus bill. It is exactly what this government campaigned it would not do, and here we are debating an omnibus bill.

• (1550)

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I rise to speak to Bill C-51, which is important legislation. I do not necessarily agree with my colleague across the way when he talks about the omnibus nature of legislation. In fact, a very thorough review has taken place. This legislation is a reflection, as I made reference to in my question, of court decisions that have been made, along with a review from bureaucrats and others who have been involved in trying to update or modernize our Criminal Code.

I have had the opportunity to look at the Criminal Code, and it is a fairly wordy document. We need to modernize it or make a genuine attempt to make changes like these. Sometimes legislation or law needs to change. I cannot recall the details right off hand, other than the fact that one of the changes would get rid of duelling. I am sure people would have to look long and hard to find the last time there was an actual duelling of swords in Canada. There is legislation that, because it is never repealed or taken out of the Criminal Code, just becomes somewhat dated. Therefore, it is necessary for us to take a look at it and make changes.

My colleague across the way made a couple of references on which I want to pick up, for example, the charter statement. For years I sat in the opposition benches. We would look at government legislation and quite often question if it was charter proof, or if there was a legal opinion with regard to legislation, that it would go through the court system and meet the charter. On many occasions, I have stood in the House and talked about the importance of the charter and different perspectives. Canadians have responded, over three decades-plus of having the charter, that the charter is part of our Canadian values. Often, when I sat in opposition, the government would talk a fairly tough line on criminal matters.

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At times, the government would bring in ideas and we questioned whether it had a legal opinion on whether it would be successful if it went to a Supreme Court. We would challenge the government to ensure legislation would be vetted to ensure it would be in compliance, as much as possible, if not all of the time, with the Charter of Rights and Freedoms. A very positive aspect of the legislation before us is the charter statement. It would require government to have that charter statement for legislation it introduced to the House. That is a very strong positive, and I am very supportive of it being in the legislation.

I want to pick up on an issue about which the Conservatives have spoken. The Conservatives are leaving the impression that a change to the legislation with respect to the repeal of section 176, as originally suggested in the legislation and is no longer happening, is because of the fine work of the Conservative Party. That is a false impression. I too had had constituents of mine in Winnipeg North and others express genuine concern about why section 176 of the Criminal Code would be repealed.

●(1555)

For those following the debate, like me, who were not part of the committee discussions but may be interested in exactly what members have already said today, section 176 was originally going to be repealed. When the bill was introduced to the House at second reading, it was proposed that section 176 of the Criminal Code be repealed. It currently states:

Every one who (a) by threats or force, unlawfully obstructs or prevents or endeavours to obstruct or prevent a clergyman or minister from celebrating divine service or performing any other function in connection with his calling...

The response to the proposal to the repeal of that section, which many individuals came to know somewhere between first reading and second reading, was brought to my attention. I was really quite glad to see the system works. I do not believe I was alone. I suspect other members of Parliament on both sides of the House were approached on this issue. From my perspective, that demonstrates the system works.

After second reading, the bill went to committee. Members on all sides of the House recognized, whether it was through the committee chair or the committee membership, that high sense of co-operation and understanding of the things that needed to be done. Presenters came forward and recommended, in essence, what many of us were hearing in our constituencies.

I was not surprised that an amendment brought forward to keep section 176. In fact, I believe it was improved upon in the Criminal Code. The standing committee addressed the concerns to repeal section 176 and amended it. It also added more strength to it by expanding it so it went beyond only ministers to include spiritual leaders and so forth, which was a positive change. Had it not even been in the original legislation, that aspect would not have been changed. Therefore, we have a stronger section 176 of the Criminal Code.

I want to emphasize that clause, because it gives me room to let my constituents know that when we talk about trying to improve legislation, we have a process that allows for that. Bill C-51 is a very good example of this.

From what I understand, at least one opposition amendment was approved. As well, a number of government members brought forward amendments to improve the legislation. That clearly demonstrates that second reading is a great opportunity to get a good understanding in principle of what the legislation is about. It then goes to committee where experts are afforded the opportunity to provide their thoughts. Members of Parliament are able to reflect on the clauses, and caucuses, either directly or indirectly, are able to feed their thoughts into the need for change, and we saw amendments. This amendment was a very strong positive, because constituents of mine wanted to see that happen.

●(1600)

I applaud the efforts of the standing committee and the fine work it did in returning the legislation to where we are today. Today we have fairly good support for it coming from all political parties. I understand that many inside and outside the chamber see this as strong legislation, which will further advance the important issue of sexual assault.

We often underestimate just how serious sexual assault is in Canada. In 2016, some 20,000-plus incidents were reported. Those number are far too high. I do not know how it compares to previous years, all I know is that it is an unacceptable number.

When we look at the 20,000-plus incidents reported in 2016, we can anticipate that for every one reported, many others were not. We need to talk about this more. The government and the House need to look at ways in which we can ensure individuals who are victims feel comfortable in knowing society as a whole encourages them to come forward. We all understand and can appreciate the consequences of this type of violent crime. The numbers are significant and very upsetting. It affects all communities.

We can talk about bringing in the legislation and trying to improve it, but it is going to take more than just legislation. There needs to be a national-led approach on how we can deal with the issue sexual assault. I am very happy to hear that different departments, in particular Public Safety and Status of Women, are engaged and are on top of this. We need to promote this dialogue.

I have always thought we vastly underestimate the roles our school divisions throughout the country can play on the issue of violence, in particular sexual assault. I would like to see different stakeholders provide more ideas and have more dialogue. What takes place in our schools is of critical importance.

I used to be the education critic in Manitoba. We often talked about setting the curriculum for our schools and the important role the provincial government had with respect to that curriculum. Likely some areas in the country have better practices. This is where a national government can play a leadership role by looking for better practices and trying as much as possible to encourage and promote those practices in other jurisdictions. That is one of the reasons why I believe in the importance of having interprovincial discussion groups, having a government and its ministers taking these important issues to the many different tables they sit around.

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•(1605)

The legislation is important, we recognize that, which brings me right to the bill itself. It proposes to remove and repeal the passage of provisions of the code that have been ruled unconstitutional in many ways by our courts or raise concerns under the Canadian Charter of Rights and Freedoms, as well as the passage of provisions that are obsolete, redundant and/or quite frankly no longer in place in criminal law itself.

I want to clarify that strengthening the criminal law of sexual assault is expected to assist in enhancing a better understanding of the law and addressing concerns about the law's application. I believe that the better the understanding of the law, the simpler it is made known to victims, the greater the likelihood that we would have victims approving and coming forward to report what has taken place in their particular situation.

I would suggest that the proposed changes to the Department of Justice Act and Criminal Code reflect the government's unwavering commitment to promote respect for the charter and the rule of law. I made reference to the years we sat in opposition and how important it was that when government brought forward legislation that we in the opposition ensured there was a charter test applied to it. This legislation does just that.

Repealing provisions that are very similar to those found unconstitutional by the courts will help avoid expensive and time-consuming litigation. Avoiding unnecessary litigation will also help to prevent court delays and backlogs, which is so critically important.

We can see that the members of the Standing Committee on Justice and Human Rights did an outstanding job in reviewing the bill, and making the amendments I have made reference to, which were of the utmost importance.

The government is committed to ensuring that our criminal justice system protects Canadians, and holds offenders to account for their actions, that it upholds the Charter of Rights and Freedoms, and shows compassion to victims. We have to ensure that the confidentiality and privacy of victims are protected as much as humanly possible. It is critically important. This includes the unwavering commitment to ensuring that victims of sexual assault are treated with the utmost dignity and level of respect.

During the study, we heard from many individuals who came before the committee on the importance of clarity of what sexual assault laws are. The feedback provided was most welcomed for us to have a better understanding of how a person has given consent, and the need to recognize that if someone is unconscious that person is not capable of giving consent. Therefore, it provides more definition and clarity in that area.

Based on what I am hearing from the members opposite, I believe there is fairly good support for the legislation. With respect to those areas that were repealed, for the most part, with one or possibly two exceptions, the House seems to be fairly supportive. The one greatest exception, section 176, has been dealt with in an appropriate fashion. I know I was quite grateful that it was repealed.

I see that my time has expired. I appreciate the opportunity to share a few thoughts on this piece of legislation.

•(1610)

Mr. John Brassard (Barrie—Innisfil, CPC): Mr. Speaker, oftentimes we see the arms waving and flailing but the fact that there is all-party support for the changes in this legislation perhaps led to the tempered comments that we heard today.

I want to bring up section 176 because it is important to understand that it was the member for Niagara Falls who really highlighted the fact that the changes were not in the bill, that there were significant issues with religious freedoms and religious institutions practising. The member for Niagara Falls brought up that it was not in fact advertised as part of the changes to this piece of legislation. Why was it not highlighted when the bill was tabled? In all the press releases and the correspondence that were put out by the government subsequent to the releasing of this piece of legislation, it neglected to put these changes with section 176 of the act, and again it was the member for Niagara Falls who highlighted those.

Mr. Kevin Lamoureux: Mr. Speaker, that is one of the reasons why I started the speech in the manner in which I did, focusing specifically on section 176. There have been a number of my colleagues, members across the way, who have talked about Bill C-51 and the many different advantages of the passage of this piece of legislation, especially when it comes to sexual assault. There is no way I can articulate in the same manner in which some of our colleagues have in terms of the actual benefits in that whole area, so that is why I focused a good part of my comments on talking about the issue of process.

I looked at the section 176 as a fairly positive experience. What we saw was not just one member of the House because I believe this thing was being driven, in most part, by Canadians to say, "Let us just wait a minute here." I know I have had calls on it, and people felt that this was an important aspect of the Criminal Code. Whether or not it was being used very rarely, it definitely provided a disincentive for individuals to go into a mosque, a gurdwara, a Christian church, or whatever it might be, in an attempt to disrupt. It was a positive aspect to the Criminal Code.

How it ultimately came into being and appearing in Bill C-51, I suspect had a lot more to do with reviews that were being conducted. As I indicated, some of the stuff that is within Bill C-51 is because of court decisions; others are because of bureaucratic decisions; others would be because of other stakeholders' decisions. Which category that one falls under, I'm going to choose to believe, was the bureaucratic review in terms of how many times possibly it was being utilized in our courts and as a result it appeared there.

However, the good news is that we have a process in place, we have individuals who were listening to the constituents, and we were able not only to get rid of the repeal but we also amended it in the Criminal Code so that it went to include faith and spiritual leaders. I think that would make the Criminal Code that much better.

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•(1615)

[*Translation*]

Ms. Karine Trudel (Jonquière, NDP): Mr. Speaker, during one of my visits in my riding, Jonquière, I had the honour of visiting La Chambre, a women and children's shelter. It welcomes women who are victims of domestic violence and sexual assault. I had the opportunity to speak with some of them. There were women from all walks of life there; it is a safe haven.

Of course we want to support the amendments relating to sexual assault, but let us be clear: they cannot be simply symbolic. We need to provide legal aid funding for victims of sexual assault, most of whom are women, so that they can exercise their rights.

I would like to know what my colleague thinks about that.

[*English*]

Mr. Kevin Lamoureux: Mr. Speaker, for me, personally, this legislation is important. It is the sexual assault aspect of the legislation that I believe makes it so very important, and one of the reasons why this government needs to move forward with it as soon as possible. I suspect that's the reason why most individuals are getting onside supporting that aspect of the legislation.

What it does, at least in part, is to amend section 273(1) to clarify that an unconscious person is incapable of consenting, which reflects the Supreme Court of Canada's decision in *R. v. J.A.*, 2011. It amends section 273.2 to clarify the defence of mistaken belief and that consent is not available if the mistake is based on the mistake of law, for example, if the accused believed that the complainant's failure to resist or protest meant that the complainant consented. This will codify aspects of the Supreme Court of Canada's decision in *R. v. Ewanchuk* back in 1999.

More specifically, in terms of the importance of our shelters, I think that if the member was to look at the national housing strategy which is, from my perspective, a historical document that the minister of housing has done an incredible job on, he will find that there are significant amounts of money being allocated to ensure that we continue to support an area in which there is a need.

It is also important that we work with provincial entities. In my area it is Osborne House, which does a fantastic job at meeting many of the needs of women and others in our community who unfortunately have had to endure sexual assault and many other harms.

Mr. Sean Fraser (Central Nova, Lib.): Mr. Speaker, just before I pose my question, a comment was made earlier about my hon. colleague waving his arms on occasion. When he spends as much time in the chamber as this member does, there is very little time for exercise. I know where he comes from.

I do want to ask something on a more serious note. This bill includes important measures dealing with the importance of consent in terms of criminal law around sexual assault. I want to recognize some of the points made from different members from different parties on the issue of the circumstances across different sectors of society and the battle that we need to fight to ensure the victims have the support that they need.

In addition to those systemic supports, this particular bill proposes certain revisions that clarify the importance of consent in sexual assault cases. They ensure that, for example, communications are now subject to the rape shield laws that have long protected the use of a person's sexual history to impugn their credibility, for example, or imply consent in a certain circumstance.

Does the hon. member think that this particular bill is going to enhance the number of women who actually are able to come forward and restore their faith in the justice system to report a crime of sexual assault when it takes place in our communities?

Mr. Kevin Lamoureux: Mr. Speaker, I suspect that is one of the greatest motivating factors as to why the government is willing to move forward on this particular issue.

If I conclude just on the rape shield provisions, “to include communications of a sexual nature or communications for a sexual purpose”, these Criminal Code provisions provide that evidence of a complainant's past sexual history cannot be used to support an inference that the complainant was more likely to have consented to the sexual activity at issue, or that the complainant is less worthy of belief. That is often referred to as the “twin myths”. This is one of the greatest motivating factors for the government to move forward on this particular piece of legislation, along with the charter and the concerns that I have raised earlier.

•(1620)

Hon. Kevin Sorenson (Battle River—Crowfoot, CPC): Mr. Speaker, it is an honour to rise in this place once again to speak in the debate around another Liberal omnibus bill, which this time happens to be a justice bill. I will be splitting my time with the member for Sherwood Park—Fort Saskatchewan

It has been mentioned already today that in the past election campaign, the Liberals promised there would be no more omnibus bills. They also campaigned against the use of time allocation, and yet time after time the government has used time allocation to move legislation forward.

I am pleased to speak to a bill that received so much input from my constituents over the summer, especially those with strong religious beliefs. The bill does not pick and choose one religion; it will affect all religions.

Bill C-51 was originally introduced by a Liberal government with a section containing what many people thought was an assault on religious freedom and beliefs. As we have heard today, the Liberal government planned to repeal section 176 of the Criminal Code pertaining to the protection of religious officials and the freedom to worship peacefully without disturbance.

Canadians know that Conservative members have always supported religious freedom, and the protection of those freedoms. It was the Conservative government that brought forward the office of religious freedom. That office promoted religious freedom around the world. Andrew Bennett served as ambassador after a long period of time with Foreign Affairs, and he did amazing work for our country and for the whole concept of religious freedom.

Government Orders

In Bill C-51, the Liberal government proposes to repeal section 176 of the Criminal Code pertaining to the protection of religious officials. There was a response in my constituency office and across the country, and pastors and others involved in religious freedom expressed their deepest concerns.

I am very pleased with the work of Conservative members of Parliament who sat on justice committee during the hearings on Bill C-51, including the member for St. Albert—Edmonton and the member for Niagara Falls. Many other Conservative colleagues put considerable effort into the issue of protection of all religious officials and the freedom to worship peacefully without fear of disturbance during religious services. The member of Parliament for Cypress Hills—Grasslands does great work on the whole religious freedom file. I want to thank the many witnesses who testified before committee and provided submissions. I want to thank them for standing up and defending religious freedom in Canada. Their voices were heard.

I commend the Liberal government for backing down on its attempt to repeal section 176. The government realized where amendments should be brought forward and accepted them, so we commend it for that.

It was disconcerting to note that the current government included in Bill C-51 a dismissal of the importance of religious freedom in Canada. The Liberals announced their belief that the disruption of a religious service was not serious enough that it should be protected in this legislation. Consequently, people responded again. At committee, the government tried to ignore it and said it was not going to happen. By November of this year, Liberal members on the justice committee agreed to allow section 176 of the Criminal Code to remain operable.

This was a victory for all faith communities in Canada. It was an important victory, because hate crimes with respect to religious communities happen all around the world.

• (1625)

Hate crimes are on the increase and, unfortunately it is the same here in Canada, whether it is the Jewish faith, Judaism, attacks on synagogues, the Christian faith, or the Muslim faith.

Bill C-51 was introduced by the Minister of Justice and Attorney General of Canada just days before the parliamentary recess, on June 6, 2017. Clause 14 of Bill C-51 proposed to repeal section 176 of the Criminal Code of Canada, which makes it a crime to unlawfully obstruct, threaten, or harm a religious official, before, during, or after performing a religious service. Again, we heard about it all summer. Later, I will read what section 176 did.

Why is this important? I want to go back to a quote from former Prime Minister John G. Diefenbaker. It is a quote that all of us should take note of and appreciate. He stated:

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

His pledge was to stand up, not just for direct assaults on religious freedom, but against the erosion of religious freedom. This is the way that Canadians have lived for decades.

The Liberal government has been very selective of its new sunny ways in who it respects. Worse, the Liberal government tried to reduce the security of religious Canadians by burying its repeal of section 176 deep in an omnibus justice bill. More than 65 interfaith fellowships or leaders, including the Evangelical Fellowship of Canada, one of the 65, sent a joint letter to the Minister of Justice on October 31, 2017. It very much brought forward the concerns it had.

I will very quickly read part of section 176 in the act, because it is important for Canadians to get the perspective of it. It states:

Every one who

(a) by threats or force, unlawfully obstructs or prevents or endeavours to obstruct or prevent a clergyman or minister from celebrating divine service or performing any other function in connection with his calling, or

(b) knowing that a clergyman or minister is about to perform, is on his way to perform or is returning from the performance of any of the duties or functions mentioned in paragraph (a)

(i) assaults or offers any violence to him, or

(ii) arrests him on a civil process, or under the pretence of executing a civil process

is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.

Disturbing religious worship or certain meetings

(2) Every one who wilfully disturbs or interrupts an assemblage of persons met for religious worship or for a moral, social or benevolent purpose is guilty of an offence punishable on summary conviction.

This provision protects the pastor, the clergyman, the rabbi, the imam in leading, and it protects the individuals who participate in such services. It is important to note, again, that Liberals felt this was unacceptable. In unison, members from all faiths came together.

Bill C-51 has other points. First, it deals with sexual assault provisions. It would clarify and strengthen certain aspects of sexual assault related to consent, admissibility of evidence, and legal representation for the complainant. It would repeal or amend a number of provisions in the Criminal Code that have been found unconstitutional by appellate courts. It is a housekeeping measure. As the previous member suggested, it is good to see that there is support in this place for some of those measures.

• (1630)

I will close by saying that this is the way it should end up. It should end up where Canadians first of all stand up for what they believe is an assault on their way of life, where we take it to committee, make those amendments, and where governments are then willing to allow those amendments to come forward.

I thank the Conservatives for bringing forward the amendments, and all other parties for accepting them. Although the bill may not be perfect, we hope that the measures that have been amended and are coming forward will pass.

Mr. Omar Alghabra (Parliamentary Secretary to the Minister of Foreign Affairs (Consular Affairs), Lib.): Mr. Speaker, I want to add that I am relieved that faith leaders had the opportunity to offer their perspective. I am pleased that the minister and our government have reinstated that clause in the legislation.

Government Orders

I want to congratulate my colleague on his speech about protection of religion freedom. Would he share his opinion on a woman's right to cover her face because of her religious beliefs? The previous Conservative government wanted to deny women that right. Would he please comment on that?

Hon. Kevin Sorenson: Mr. Speaker, I appreciate the question, but the question is absolutely not true. We have never said that we would not allow a woman to cover her face, her head, or to do anything such as that. The only question is, if someone is taking a pledge of citizenship, or having their picture taken for a driver's licence or some form of identification, should they be able to conceal their identity?

I know there are massive concerns around that, but, as far as accommodation, we recognize that people have differences of opinion within their faith. I will stand and defend the right of Muslims to worship in the way they choose, the Christians, the Jewish faith, the Sikhs, and Hindus, whoever. I may not understand all their forms of worship, but I will defend their right to worship, as long as it adheres to the law in a peaceful way.

Common sense also asks us what we would expect. I have a Hutterite colony in my constituency, whose members took great offence to posing for a picture for their driver's licence. They felt that they should have driver's licences, but they would not be willing to pose for a picture so that an officer could identify them if they were caught. They said it was a religious thing. We have to find balance somewhere. We have to be able to find common ground. The member is wrong in saying that we do not believe in a woman's right to cover her face.

Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC): Mr. Speaker, in talking about the bill, my colleague touches on a number of different aspects of it dealing with sexual assault, with religious freedom, with a range of different things that are, frankly, disconnected. Aside from the particulars of the provision, I am curious for his thoughts on whether this constitutes an omnibus bill, and how he feels about the fact that we are seeing many omnibus bills from the government members, who railed against omnibus bills when they were in opposition.

Hon. Kevin Sorenson: Mr. Speaker, sometimes there may be reason for an omnibus bill. I do not believe that this was one of those times. Sometimes there may be other measures that are brought into a budget. The problem was that in the last election, the Liberals railed against the few times that we brought forward omnibus bills. They said they would not bring forward omnibus bills. They are now bringing forward bill after bill that are omnibus bills.

They said time allocation or closure was a measure that should never be employed in the House of Commons, yet how many times have we seen the government do exactly what they said they would not do in the last election? They said in the last election that they would have a very small \$10-billion deficit; it is over a \$20-billion deficit. It is the broken promises that are the issue.

Is this an omnibus bill? Yes, I believe it is. The Liberals brought different measures into the bill. There are other omnibus bills that they have brought forward and will bring forward, and the public will judge them. On whether it is a bill worthy of passing, it is one thing to make a promise and live up to it, but if they are not going to

promise it, it is pretty hard to ridicule someone later on for doing it. The Liberals are backing down on their word once again.

• (1635)

[Translation]

The Assistant Deputy Speaker (Mr. Anthony Rota): 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 Edmonton Strathcona, The Environment; the hon. member for Peace River—Westlock, Justice.

[English]

Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC): Mr. Speaker, it is a pleasure to have the opportunity today to join the debate on Bill C-51. It is quite clearly an omnibus bill dealing with a wide range of different provisions with respect to justice. I am going to comment on some of those provisions, but at the outset let me quickly comment on the fact that what we have before the House is an omnibus bill.

I am not one of those people who says that any omnibus bill represents the end of the world, but there are some people on the other side of the House who took at least something close to that position in the last Parliament. I remember being asked about this during election forums in my riding. I said very clearly that there is an appropriate use of bills containing a number of different kinds of provisions, but also an inappropriate use of them, and that, ultimately, we cannot necessarily codify exactly what these will look like in every case. It is the kind of thing that reasonable people should look at it and judge.

The principle is that as many opportunities as possible should be created for debate and votes that are particular to specific individual issues. We should not have a situation in which we have a whole bunch of different, contrary, unrelated things in the same bill that are not in any way part of an overall plan moving in the same direction.

When the government does that it creates a situation in which there may be some aspects of the bill that are positive and some not, which creates a particular challenge for members of Parliament who are trying to decide how to express their support for certain provisions in the bill they may like, and their opposition to things they may have concerns about. However, it also creates an opportunity for the government to bury things in the legislation that actually deserve particular scrutiny.

I am going to talk about the changes to section 176 of the Criminal Code that were proposed. That provision was an example of one that would have had a very substantial impact, but was buried within a larger bill. It did not figure prominently in the government's communications about the bill. It was only because of the activism of the opposition raising awareness about this section that we were able to have it discussed at committee and, ultimately, see what seems like the willingness of the House to remove that proposed provision. However, regardless of one's views on the principle of omnibus legislation, we should hold the government accountable for the fact it has failed to live up to the standard it set for itself with respect omnibus legislation.

Government Orders

One of the provisions we see in the bill, I understand, removes the sections from the Criminal Code dealing with witchcraft. It makes sense for the government to do this. Witchcraft may be its only chance at balancing the budget in the near term. Some members may think this is uncontroversial. I actually discussed it with Mackenzie King this morning, and he has some concerns about this section of the bill. Ultimately, we decided it would only have a medium impact going forward, so I think we will just leave it there.

An hon. member: Don't give up your day job.

Mr. Garnett Genuis: Do not worry, because I intend to be here a long time.

The particular focus of public debate on the legislation concerned section 176 of the Criminal Code, which presently still exists. Section 176 specifically made it illegal to disrupt a worship service, or attack a “clergyman or minister”. The original version of Bill C-51 sought to remove that section. That would have removed the only section in the Criminal Code that provided specific protection by criminalizing attacks on religious services or religious leaders. We heard a number of arguments in the course of the debate. Of course, the general thrust of the legislation, from the government's communications about it, was that the bill removes redundant or unnecessary sections of the Criminal Code. Some argue that these specific protections for religious officials and religious services were not necessary, because any of the things that are identified within that section in particular are already illegal. Disrupting a worship service might have been captured under trespassing provisions. Vandalism, obviously, is illegal anyway. Assaulting someone, whether a religious figure or not, is illegal anyway. Therefore, the argument was that section 176 of the Criminal Code is redundant.

• (1640)

Why do we disagree with that on this side of the House? We recognize in law that even things that are already illegal may need extra legal recognition to ensure that they are treated by the law in a proportionate way. That is, after all, why we have laws with respect to hate crimes. Anything that is not permitted under hate crimes legislation is probably something that is in fact already illegal, but I think all members of the House agree that it is still important to have hate crimes legislation recognize the proportionality of an offence, recognize that there is something much more serious, that should be treated more seriously, when individuals are targeted because of their background or identity.

There is something more serious about that than a purely random act of vandalism or violence. That is not to downplay the seriousness with which the law should treat a random act, but when individuals, institutions, or groups are targeted specifically because of their identity, that has a different and arguably much greater social effect, because it seeks to impede the practice of that faith, impede the living-out of that identity, and to create a climate of fear for people who are part of that identity. Therefore, when we have specific sections that deal with crimes that target specific groups, they help us to ensure that the law is treating crimes in a proportionate way that reflects the social effects of those actions. We can see on that basis that section 176 is not redundant at all but reflects an important social purpose of the law, which is to ensure proportionality.

Another reason why section 176 was not redundant is the fact of this being in the Criminal Code sends a clear message that the law not only has practical effects but also pedagogic effects in demonstrating our commitment to religious freedom and to the protection of the practice of faith in Canada.

We also had people objecting to the section on the basis that the language implied that the section might only apply to certain faith communities. The section uses the language “clergyman” or “minister”, which obviously is gender specific but also implies that it only refers to a particular faith. Those who raised this objection were being somewhat disingenuous, because the reality is that this section is clearly interpreted as applying to men and women and to people of all faiths. Certainly, it probably makes sense to update and clarify the language with respect to that, to change the wording to ensure that there is no misunderstanding, but in reality there never really was a misunderstanding the way in which the law applies. Therefore, those objections were incorrect.

Many people over the course of the summer and early fall were actively engaged on this issue, signing petitions, and lobbying their MPs. I was involved in Edmonton in organizing a round table for our leader to meet with religious leaders from different faith communities. It was a great opportunity to get leaders from different faith communities together as part of a common round table talking about the issues in Bill C-51.

Of course, we were glad to see the government's backing down on this. However, it is important to ask the question, why was the removal of section 176 in this bill in the first place? Whose idea was it to put it in there, buried in a long list of provisions with respect to all kinds of other issues? The government, in certain instances, maybe talks the talk about protecting certain minority communities, at least, and certain faith communities, but when it comes to walking the walk, in the initial draft of the legislation, the Liberals tried to remove this critical protection for faith communities. When they were caught and communities became engaged, the government eventually backed down.

• (1645)

This speaks to the importance of vigilance. The government talks the talk on the one hand, but when it thinks people are not looking, and the changes involve small provisions within large omnibus bills, it tries to get away with things that most Canadians would see as unacceptable. This is then a call for continuing vigilance on the part of members of Parliament and Canadians to hold the Liberal government accountable.

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I disagree with my colleague across the way who, I believe, is trying to give a false impression. Canadians from different regions of our country contacted their members of Parliament. With respect to section 176, I was but one member of Parliament who was contacted after the bill was introduced. Like the person I talked to, I expressed concerns regarding it.

Government Orders

We had a very productive committee meeting, and there seemed to be a lot of commonality among the members after the committee started to debate possible amendments. I understand that it was even a Liberal amendment brought forward that enhanced that particular clause and made it more up-to-date to spiritual leaders and faiths of all natures.

Does my colleague not agree that credit is not necessarily owed to one individual, but to the various individuals who took the time to call members like me and other members of the House, those who took the time to get a good understanding of it at committee, those who made presentations, and those members of all stripes at committee who did fine a job in repealing this particular aspect of the proposed legislation?

Mr. Garnett Genuis: Mr. Speaker, it is not about anyone claiming credit here, although I will note parenthetically that the government is rarely shy about claiming credit, even for things that happened under the previous government. However, let us be very clear. The question I posed in my speech, and I pose again, is why was the removal of section 176 there in the first place? Someone decided to include it as part of this legislation. The recommendation may have come from somewhere in the public service, but it was the minister tabling the legislation who presumably looked at the legislation when it was initially proposed and said that the provision to remove section 176 was okay being in there as well.

It is worth asking the question why that was done. Yes, of course, through the activity of many different communities and the work of members of Parliament, attention was brought to this section and we ultimately were able to fix the problem. It does not change the question. When we see the government doing all kinds of things with respect to religious freedom that might concern Canadians, for example, its decision to eliminate the office of religious freedom and various other actions that have raised concerns, it just begs the question.

Maybe the member for Winnipeg North will want to answer it at some point. Why was the removal of section 176 from the Criminal Code included in the initial draft of this bill?

• (1650)

Mr. John Brassard (Barrie—Innisfil, CPC): Mr. Speaker, oftentimes I go back to three pieces of information if I ever want a giggle or two. First is the real change policy announced by the Prime Minister prior to the previous election; the second piece I get the giggle from is the Speech from the Throne; and the third one oftentimes is the ministerial mandate letters.

The hon. member brought up the issue of omnibus bills. By my count, this is at least the fourth omnibus bill we have seen. If we go back to the Liberal platform in 2015, the Liberals said they would change the House of Commons' Standing Orders to bring an end to this undemocratic process, and yet here we are with another omnibus bill proposed by the Liberal government. It shows complete hypocrisy. Does the hon. member agree with that assessment?

Mr. Garnett Genuis: Mr. Speaker, that is a very wise and thoughtful question by our deputy whip. I am always happy to pay compliments to my colleagues, but especially the deputy whip. It certainly is in my interest to do so.

Anyways, he is exactly right that the government is continually putting forward omnibus bills that are in direct violation of its

election commitments. It should not be difficult to recognize that in some cases, it makes sense to have different elements in bills. Indeed, there are some cases where one can make an argument for that. However, the government is stretching any kind of reasonableness test. In any event, it is certainly going far beyond the commitments it made during the election.

Mr. Sean Fraser (Central Nova, Lib.): Mr. Speaker, I will be sharing my time with the hon. member for Niagara Centre.

Bill C-51 deals with certain revisions to our Criminal Code that would impact our charter. These are two extraordinarily important laws in our country that have a direct impact on the lives of Canadians. Like anything worth keeping, they require maintenance over time, so to speak. Bill C-51 would perform some of that much-needed maintenance.

The bill attempts to do three main categories of things. First and most important, in my opinion, it would provide much-needed clarity on the concept of consent when it comes to the criminal law with respect to sexual assault. It would also address certain zombie laws, as I have heard them referred to previously, that have been deemed unconstitutional by our nation's highest court or have become obsolete because of the social context in which we find our country today. Finally, it would require the justice minister to introduce a charter statement to declare compliance with our charter of any government bills introduced through that portfolio.

I will first go to the crux of the matter, in my opinion. Bill C-51 would provide desperately needed clarity on the criminal law on sexual assault. Before I deal with the specifics, I would like to share with the House that this is a social problem that is endemic in Canadian society. It impacts every community. I have had the good fortune of sitting on the Standing Committee on the Status of Women and have heard directly from witnesses who have been impacted by and survived sexual assault what it has done to them personally. To the extent we in the House can help stamp it out, that is the very least we owe Canadians.

There are a number of measures the government has taken outside of the bill to help fight gender-based violence once and for all, including over \$100 million introduced for a gender-based violence strategy. What the committee heard during its study on ending gender-based violence against young women and girls is that it is not simply about supporting victims. It is also about legislative reform, particularly in the criminal context.

We have a criminal law system that discriminates against complainants at every turn. We are so ill-equipped to deal with these kinds of cases that a vast majority of complainants choose not to report incidents of sexual assault at all, and those who do muster the courage do so knowing that the rate of conviction, the rate at which justice is granted, is small. It is hard to imagine why they would put themselves in the position of being questioned and re-victimized in the first place.

Government Orders

We have an opportunity to better our system, encourage more people to come forward, and ensure that justice is indeed granted in circumstances where that is possible. One way this may be achieved is through proposed section 273.1. It confirms the *Regina v. J.A.* decision, which explains quite simply that consent is required on an ongoing basis. Essentially, someone who is unconscious is not able to provide consent. The simplest message to anyone who might be listening at home is that if someone is having sexual relations with a person who is too drunk to consent or who is unconscious, that is not sex. That is rape, and we need to acknowledge it for what it is.

Proposed section 273.2 of this legislation would provide additional protections, reflecting the Supreme Court decision in *Regina v. Ewanchuk* in 1999, by making it absolutely clear in our criminal law that mistaken belief of the law cannot constitute consent. It is not okay to assume that a person has consented because someone else gave consent for the person. There needs to be a positive affirmation. One cannot assume that because a person consented in advance, the consent is ongoing. One cannot assume that a failure to resist a sexual advance constitutes consent. If those are the only lines of defence in a sexual assault case, a person should be found guilty under our law.

Importantly, Bill C-51 also deals with our well-established rape shield provisions. The twin myths I have heard discussed by different members in the House today explain that we cannot rely on the sexual history of a complainant to make findings as to his or her credibility or whether he or she has given consent in a given instance. Bill C-51 would expand this protection to ensure that communications sent with sexual content or for a sexual purpose were not used to perpetuate those same myths.

• (1655)

This is an added layer of protection that reflects the world we live in. In the 21st century, if consenting adults wish to send each other communications of a sexual nature or for a sexual purpose, that is their decision. However, the fact that someone has demonstrated that he or she was interested in sexual activity before cannot be used by a court to make a finding that he or she has given consent.

If I transposed this logic to any other social circumstance, I feel that just about everyone would get it. Without being flippant about an extraordinarily serious issue, after work I may join a colleague for a beer or have a glass of wine or two over dinner. However, if I am asked to go out for a drink on a given night and I say no, my friends understand that. I do not know why the same logic cannot be applied to sexual assault. Particularly for young men, again, if they are listening, just because a person has demonstrated a willingness to engage in sexual relations in the past, they should not assume that it is consent forever thereafter.

Some of the other themes touched on that I would like to address while I have the floor include these zombie laws. These laws create uncertainty and unnecessary expense in litigation and should be removed from the books. They largely reflect decisions of the Supreme Court of Canada. Cases of defamatory libel and cases involving evidentiary burdens and the reverse onus that have been dealt with by the Supreme Court will be reflected in law. I think, although I do not want to speak for everyone, that those provisions are unanimously supported by members of this House.

There are other matters that are completely obsolete in this day and age. I notice the provisions on challenging a person to a duel, which has a very interesting backstory in Nova Scotia involving our third premier, Joseph Howe, if anyone wants to take the time to read it. There is the crime of publishing crime comics. There is fraudulently pretending to practise witchcraft. I think we will leave the discussion on people who are actually practising witchcraft for another day. I think members get the point. There are many laws that exist in our Criminal Code that really should be removed from the books.

The government has a responsibility to ensure that its laws comply with the charter. That brings me to the last theme addressed by Bill C-51. That is the obligation of the Minister of Justice to introduce a compliance statement, a charter statement, with new pieces of government legislation that impact that portfolio. This is a very positive exercise, in my opinion, and it is one that will enhance openness and transparency. It will allow Canadians to see that the government is stating, for the record, why it believes its laws are in compliance with the charter.

We sometimes fall into the trap, in different governments, in different parts of our nation's history, of putting forward laws that may seem popular to a voter base but may be contrary to the rights that are included, constitutionally, in Canadian law. This practice of introducing a statement on compliance with the charter is going to ensure that our government is subject to Canadian laws and that people are protected by it, not the other way around.

This proposed legislation has my full support, whether it is for making clear the provisions on consent in cases of sexual assault, whether it is removing from our charter specific provisions that should not be there, either because they are unconstitutional or obsolete, or whether it is the introduction of a charter statement. These are positive developments that are going to help make our criminal system more efficient and will help protect the charter rights of Canadians.

• (1700)

Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC): Mr. Speaker, I agree with the principle thrust of my colleague's speech, which was to discuss the sexual assault provisions.

I want to ask him about omnibus issues. In particular, does he see this bill as an omnibus bill?

Mr. Sean Fraser: Mr. Speaker, I listened intently to much of the debate around omnibus bills. One of the things I would like to clarify is that "omnibus", in and of itself, should not be a swear word in this House. There are many times that a certain piece of legislation will seek to amend different laws that are somewhat related. In this case, the vast majority of the legislation before us seeks to update our laws to reflect either a decision by the Supreme Court of Canada or provisions that are obsolete in the social context in which we live.

Although a certain piece of legislation might change different laws, when there is a common theme that renders them not completely unique, I do not think it is inappropriate.

Government Orders

There is improper use of omnibus bills, and the weight of the irony is crushing me as I stand here taking the question from a member of the opposition on this subject.

I have heard speeches in this House within the last hour that have discussed how the committee process worked the way it should. Members were able to identify problems and propose useful amendments. However, I cannot let this question go by without pointing to Bill C-38 and Bill C-45 in the Parliament of 2012, where I saw a budget erode the Fisheries Act protections and the navigable waters protection act that were so important to my community.

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, my colleague will recall us talking about the original piece of legislation that had the repeal of section 176 and how that was ultimately amended out of the legislation and in fact improved upon to modernize that aspect of the Criminal Code. I wonder if the member would like to share some of his thoughts on the process related to that aspect of the legislation.

Mr. Sean Fraser: Mr. Speaker, there are many great things about democracy in Canada, but one of our flaws I find is partisanship.

Good ideas and good people come from different parties all the time. Our process sometimes helps those good ideas come to the fore, no matter which party they come from. I note that on this issue, the member for St. Albert—Edmonton and the member for Niagara Falls made great contributions to the specific debate on section 176, which, in my opinion, would enhance the protection of religious freedom in Canada. I also note that I was having conversations about this very provision as one of my colleagues, a member of the Standing Committee on Justice, the member for West Nova, raised some of the concerns he had about this. There was some feedback I heard in my own office as well.

In my mind, this is a perfect example of how a non-partisan committee is supposed to challenge the initial draft of legislation put forward by the government. It listens to the evidence it hears and make amendments to improve laws for all Canadians. At the end of the day, a piece of legislation that makes it through this chamber and the other chamber is Canadian law, not the law of one government or another.

Mr. Garnett Genuis: Mr. Speaker, my colleague has pointed out that some of the omnibus bills in the last government were about as long as the current government's omnibus budget bills. However, the interesting thing about his response to my question is that he said that most of the provisions of this bill deal with sections of the Criminal Code that are obsolete vis-à-vis the charter or the social context. Might I point out that to declare something obsolete in light of the social context is about as general as one can get? There is all kinds of legislation that for subjective reasons some members might view as obsolete in light of a particular social context. In fact, that was, in some sense, their initial argument for the removal of section 176.

I understand the argument that it is okay to do an omnibus bill if there is a common thread. That is their argument now. It was not their argument during the election. We are holding them to the standard they set for themselves. Can they not claim a common thread on almost anything? Are there any limits to the common

thread the member would tie across a range of obviously unrelated provisions?

• (1705)

Mr. Sean Fraser: Mr. Speaker, taken to its logical extreme, the hon. member would have us address legislation one section at a time, which is not reasonable. If I actually look at the things I am staring at that are included in this bill, there is challenging a person to a duel, fraudulently pretending to practise witchcraft, and pretending to be someone else during a university exam, when in fact that is captured by other provisions. I see a common thread. I do not see a problem with the use of an omnibus bill with a thread like this.

Mr. Vance Badawey (Niagara Centre, Lib.): Mr. Speaker, I am pleased to speak today to Bill C-51, an act to amend the Criminal Code and the Department of Justice Act and to make consequential amendments to another act. This legislation proposes to make various changes to the Criminal Code that seek to make the criminal law modern, relevant, and consistent with the applicable charter case law. It would also make important clarifications to the law of sexual assault.

The justice and human rights committee has now concluded its study of the bill. The committee heard from a number of important witnesses and stakeholders representing diverse viewpoints. In particular, witnesses were most interested in sharing their perspectives and recommendations with committee members on issues relating to the proposed sexual assault reforms.

The committee considered a number of amendments to those proposed reforms and adopted two that responded to what they heard from the many witnesses and that seek to bring even greater clarity to the law.

The committee also heard from witnesses in relation to the proposed repeal of an offence that targets disrupting religious officiants and ceremonies. The bill proposes to repeal this offence because, to the degree that it prohibits conduct that merits a criminal sanction, it is in fact a duplication of other more general offences.

During the study of Bill C-51 at the Standing Committee on Justice and Human Rights, committee members also heard from witnesses and constituents who were concerned about the proposed repeal of section 176, as mentioned earlier by one of my colleagues.

Our government listened to these concerns. The Liberal MP and committee member from West Nova put forward an amendment to retain and modernize the section to ensure it is in fact gender-neutral and make clear that the section applies to all religions and spiritual faiths. The government supports this amendment. We believe that all Canadians, regardless of which religious or spiritual faith they adhere to, must be able to practise that faith without fear of violence or disturbance.

There are other proposed amendments contained in Bill C-51 that may not garner as much attention but that are nonetheless very important for the proper functioning of our criminal law and to the overall coherence of the Criminal Code.

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For instance, Bill C-51 proposes to amend a large number of offences by removing what is called a reverse onus. A reverse onus is a rule of law that places the burden on the accused to prove that something is more likely than not to be true. This is contrary to a long-standing and fundamental principle of criminal law, namely, that the prosecution bears the burden of proving guilt beyond a reasonable doubt. It is also contrary to the presumption of innocence as enshrined in our Charter of Rights and Freedoms.

Under these normal rules of criminal law, the fact that the prosecution has to prove guilt beyond a reasonable doubt means that the accused, to be acquitted, needs only to raise a reasonable doubt about his or her guilt.

A reverse onus, by contrast, says that the accused must do more than raise a reasonable doubt. He or she must convince the judge or jury that it is more likely than not that he or she is innocent.

There are special circumstances in which the burden can be reversed, such as when an accused raises the special defence of mental disorder. This burden is reversed because mental disorder is really a question of what was happening inside the mind of the accused, information to which he or she has the best access, and it is also a defence that can be easily feigned.

Absent compelling reasons, the burden must always be with the prosecution. Yet it seems that in the 1953-54 consolidation of the Criminal Code, a reverse onus was introduced into numerous offences, defences, and evidentiary presumptions.

These have remained in law until the present time, with the exception of a number that have been challenged under the charter as violating the presumption of innocence. Most such challenges have resulted in the courts finding the reverse onuses to be unconstitutional.

Bill C-51 would remove the reverse onuses that have been struck down and it would remove all the others that, while they have not yet been subject to challenge, do not appear to have any meaningful justification.

• (1710)

These changes would not have a negative effect on public safety, would better reflect long-standing principles of criminal law, would eliminate the potential for new charter challenges, and would thereby avoid the need for accused persons, prosecution services, and courts to waste precious time and resources examining these provisions. The consensus view among legal professionals and associations is that these amendments form part of the kinds of reforms that our criminal justice system needs to work more effectively and efficiently.

Other types of amendments that may not generate a lot of attention, but are still important include the proposed repeal of a number of offences in the Criminal Code that were enacted long ago, in many cases more than 100 years ago. Many of these offences reflect forms of conduct or values that are no longer relevant to our society. For example, Bill C-51 would repeal offences such as alarming Her Majesty, in section 49; challenging someone to a duel, in section 71; and blasphemous libel, in section 296. Another example of an offence to be repealed is one related to making or publishing what are called “crime comics”, which are exactly what

they sound like, namely graphic depictions of criminal activity and violence. While there once was a time of great public concern for the potential for these materials to corrupt children, those days are long past. While not everyone will support this type of material or entertainment, we no longer believe as a society that people should be labelled as criminals for making it.

There are also offences in our Criminal Code that are overly specific, and duplicate other offences that are more general in nature. A number of these would be repealed as well. A good example is the proposed repeal of section 365, pretending to practise witchcraft, as was mentioned earlier by my colleague across the floor. Section 365 makes it an offence to fraudulently pretend to exercise or use any sort of conjurations, tell fortunes, or pretend to use one's skill or knowledge of an occult or crafty science to find lost or stolen goods. This conduct is really just a small subset of fraud. Fraud involves some kind of deception or dishonesty, combined with a risk of economic loss to another person. Fraud can occur in an infinite variety of circumstances. There is mortgage fraud, home renovation fraud, health insurance fraud, and securities fraud. Basically, any other situation in which a person voluntarily gives over money in response to something deceptive or dishonest also amounts to fraud. There is no good reason to have offences in the Criminal Code that spell out what fraud looks like in each of these circumstances. One offence of fraud gets the job done and is in fact defined within Bill C-51.

Archaic offences, such as those with overly specific duplicative offences, take up many pages in the Criminal Code. I know some commentators might consider these reforms, the parts of Bill C-51 that do not get headlines or generate passionate presentations before committee, of little importance. In fact, I take a different view. We should not underestimate the importance of this kind of reform. The Criminal Code is a reflection of Canadian values and what we as a society deem to be blameworthy conduct deserving of punishment and denunciation. It is, to be clear, the moral code of our society. It is our job, as legislators in the House, to ensure this code reflects our current values and priorities, that it does not overreach, and that it be rational and orderly.

I support the minister and our government in undertaking this routine but vitally important maintenance and updating of our Criminal Code to make it clearer and more accessible to Canadians, more relevant and modern, and more consistent with our human rights and freedoms.

• (1715)

Mr. Arnold Viersen (Peace River—Westlock, CPC): Mr. Speaker, I noticed the member left out of his speech the fact that this is an omnibus bill. I was wondering, since the Liberals had promised not to introduce any omnibus legislation, how he justifies this bill.

Mr. Vance Badawey: Mr. Speaker, it seems the Conservatives are putting a lot of emphasis on the omnibus bills of this government when in fact they did the same when they were in government.

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I have to say that our government is committed to ensuring that our criminal justice system protects all Canadians, holds offenders to account, upholds the Charter of Rights and Freedoms, and shows compassion for victims. This includes an unwavering commitment to ensuring that victims of sexual assault, as contained within Bill C-51, are treated with the utmost dignity and respect.

Bill C-51, although defined as “omnibus” by the members across the way, deals with the issues that I have highlighted were to be dealt with in the bill. Sexual assault and ensuring that victims are treated with the utmost dignity and respect is a priority for this government. What the Conservatives are calling “omnibus”, we call a responsibility that deals with our values as Canadians.

[*Translation*]

Ms. Karine Trudel (Jonquière, NDP): Mr. Speaker, of course, as I said earlier, we support the changes in the bill concerning the victims of sexual assault.

However, the government needs to put its money where its mouth is and also provide funding and legal assistance to the people who need it. This is something that happens to women from all walks of life, and at the end of the day it costs a great deal of money. The government keeps saying that it cares about the middle class.

Does my colleague think that this bill should include legal and financial assistance?

[*English*]

Mr. Vance Badawey: Mr. Speaker, repealing provisions that are very similar to those found unconstitutional by the courts will help to avoid expensive and time-consuming litigation. Therefore, we are going to bring those costs down, and with that there are mechanisms and levers within the system that people can take advantage of for financial assistance.

However, I want to make two more points based on the question.

With respect to the beginning part of the question, the member also has to recognize that requiring charter statements for every government bill introduced in Parliament represents a major step in support of our government's commitment to openness and transparency, and will help all Canadians understand the potential effects of new laws and their charter rights.

Going to the latter part of the question, I also want to mention that we want to avoid unnecessary litigation through this bill, which will also help prevent court delays and backlogs, leading to greater efficiencies and fewer costs.

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, one of the important aspects of the legislation is the sexual assault component. I believe that in 2016 there were over 20,000 sexual assaults reported but far more went unreported because many victims failed to report for a wide variety of reasons. This legislation will hopefully encourage more victims of crimes of this nature to come forward. Could the member provide a quick comment on that issue?

• (1720)

Mr. Vance Badawey: Mr. Speaker, there is no question that this bill is going to add a mechanism or lever for those victims to come

forward, with the expectation they will be dealt with with the utmost dignity and respect.

When we look through this bill, it goes to our government's commitment since day one to ensure that we reflect, as a government, on behalf of all Canadians, the values that we live by in today's society. I believe this bill reflects that. Once again, it reflects the dignity and respect that we will give to those who fall under the laws that are contained within this legislation.

Mr. Arnold Viersen (Peace River—Westlock, CPC): Mr. Speaker, it is my privilege to rise today to speak to Bill C-51. The very words of Bill C-51 hearkens back to the last election. As I recall, the opposition at the time, which is now the government party, had made a lot of noise about a particular Bill C-51 in the last Parliament. I know the Liberals also made a lot of noise about omnibus bills. I heard a lot about that one thing.

It is ironic today that two things, which are forever burned in my memory, are now coming up again today, as we discuss the current Bill C-51 and this omnibus bill.

Before I go any further, Mr. Speaker, I will be sharing my time with the member from Provencher.

Getting back to the omnibus bill, as far as I am aware, the Conservative party used omnibus bills when in power. They were a tool that was available to the governing party at the time. We made no apologies for it. I was not here at the time, but I know that was a practice and it was loudly protested by the Liberals in particular. I heard about that in the faraway place of the promised land, up in northern Alberta where I am from. I heard about it repeatedly on the campaign trail, that the Conservatives used omnibus legislation.

I had to do some research as to what omnibus legislation was. It turns out that it is legislation that affects more than one bill or one act of the Parliament of Canada. It seemed logical to me, but for some reason the Liberals seem to make this out to be evil and wrong. To their credit, “omnibus” sounds kind of ominous. That is what the Liberals were going after with that whole line of attack.

It is kind of ironic that we are here today discussing an omnibus bill with much ado about some of the bill, while we are in vast agreement on many parts of it.

Over and over members have stood and have said that it is ridiculous, that the party over here is asking about omnibus bills, that it had no problem using them. However, that is precisely the point. The Conservatives did not promise not use omnibus legislation. The Liberals were accusing us of doing all kinds of things with omnibus legislation, saying that there was something inherently wrong with it.

Now the Liberals are the ones using omnibus legislation to roll out their agenda, which is perfectly within their right. However, the fact that they ran on the platform of not using omnibus legislation proves to me how the Liberals were willing to say whatever it took to get elected. It never had to be anything of substance. It was just omnibus legislation sounded terrible so it must be terrible, and they ran on the fact they would not use omnibus legislation. It was absolutely ridiculous.

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It just goes to show that the Liberals can make a promise about something during an election and then they say that we did it too. This is what elections are won and fought over. If people say they will do something, then they have to live up to that. The consequences will be borne out over what was said.

The Conservatives understand that sometimes omnibus legislation is needed to change several different acts when trying to implement a particular idea. While that seems to make sense, the Liberals ran on the promise in the last election not to introduce omnibus legislation.

• (1725)

That brings me to the substance of the bill. I am pleased to say that section 176 was removed from the bill at committee. I am quite perturbed that this section was in the bill in the first place. It indicates to me that the Liberals are completely out of touch with Canadian culture and Canadian society when every day the media shows that crimes against religious institutions or people are on the uptick around the world. Section 176 was put in the bill as a cleanup measure, that it was obsolete legislation that we no longer needed in Canadian society.

This calls into question a number of the Liberal priorities. Why are Liberals saying this is not needed? Why is the protection of clergy or religious institutions not needed in modern-day society? They said that it was only one particular religion. We checked if imams claimed some of the tax credits available to the clergy, and they did. We asked if rabbis were classified as clergy under Canadian law, and they were. This seemed to be completely unrelated to reality.

We also checked as to whether there had been changes in crimes being perpetrated across the country. We discovered that religion accounted for 35% of targeted hate crimes in 2015. Introducing section 176 in this so-called cleanup bill is completely out of touch, when the reality is quite the opposite.

I received a significant amount of mail and emails from 176 constituents across my riding concerned about this section being removed. Even committee members mentioned that this section of the bill seemed to spark a significant amount of feedback. I am happy the Conservative members at committee were able to convince other members that this was not necessary, that it should remain in the Criminal Code, and it will remain in the code.

Once again, we need to ensure that religious communities across the country are not prevented from worshipping. One of the pieces to be removed from the Criminal Code was preventing clergy from getting to their places of worship to hold services. It is very important that clergy can fulfill their duties and do their jobs without harassment or worry of being detained along the roadway. I am not sure how often this section of the law has been used in the past or if the clergy were even aware they had this protection in criminal law. After this bill was introduced, there was a dramatic uptick in education on this and the realization that these protections existed in law.

I have a graph of all the hate crimes in the country. Religion is one of the highest motivations for hate crimes across the country. It ranks between race and ethnicity. It is a significant part of motivation and we need to ensure religious communities feel safe and are protected by the Criminal Code.

I had more to say about sexual assault, but I have concerns with the way the bill is going. The duty for evidence needs to come from the accused. We need to ensure that all evidence, regardless of when or where it is acquired, can be seen and heard at trial. I have some concerns with that, but at this point I am supportive of the bill.

• (1730)

Mr. Adam Vaughan (Parliamentary Secretary to the Minister of Families, Children and Social Development (Housing and Urban Affairs), Lib.): Mr. Speaker, I listened to the member describe this as an omnibus bill. I am curious as to how he comes to the definition. Every measure in the bill relates to one specific ministry. It is not like Bill C-43, that sort of scattershot legislation across every ministry, things as unrelated as land rights issues connected to ports, the cost of certain taxes going up, as well as a whole series of measures that had nothing to do with it. In fact, they were not even announced in the budget. They were slipped in the back door through what everybody called an omnibus bill.

When we look up the legal definition and the parliamentary tradition of what gets constituted as an omnibus bill, and the member is free to challenge it to Chair to get it split, the reality is that this bill is completely unified insofar as it reforms the Criminal Code around evidence, sentencing, and obsolete laws that do not need to be on the book. I am sure the member opposite does not worry about crime comics causing a problem in his riding.

Under what definition does this constitute an omnibus bill when every measure is introduced by a single minister, has to do with the Criminal Code, and is related to the reform and updating of the Criminal Code system, in particular for the protection of individuals who are sexually assaulted? This is good progressive legislation. Further, the committee that passed it did not worry about it being an omnibus bill. In fact, the committee passed it unanimously, and the member's party is supporting it.

Mr. Arnold Viersen: Mr. Speaker, my point on the whole omnibus bill, even his defence of it not being an omnibus bill, is the very fact that this is what the Liberals ran on. They ran on the fact that they were not going to introduce omnibus bills, proceeded to introduce omnibus bills, and then said that it was bad when we did it but amazing when they did. That is the hypocrisy of all this. This is the whole frustration I have with the Liberal government.

There seems to be one rule for all Canadians. The Liberals have accused former governments of doing particular things just to get elected. Now that they are in government, they realize these are good tools that governments need to use in order to pass legislation. They are using those very tools. Then when we call them out on it, saying they promised in their platform they were not going to this, they say we did it too. It is ridiculous.

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Mr. Daniel Blaikie (Elmwood—Transcona, NDP): Mr. Speaker, the member's speech had a lot of pop, although for reasons outside his control, it was a little less bright than the last speech given.

On the theme of omnibus bills, I think there is a misunderstanding. I wonder if some of my Conservative colleagues thought that what was offensive about omnibus bills was their simple length. I would argue that what defines an omnibus bill has more to do with what one might call its “thematic unity”, the number of different kinds of statutes it amends, and whether the issues are related one to the other.

Could he provide a little more clarity for the House? When Conservatives talk about omnibus bills, what do they take to be an omnibus bill? Is it defined by simple length alone, or does thematic unity play a role in determining whether a bill is an omnibus bill? If so, in what ways does thematic unity bear on the question of whether a bill is omnibus?

• (1735)

Mr. Arnold Viersen: Mr. Speaker, this is precisely my point. Again, it was not us saying that omnibus bills were a problem. It was the Liberals who championed this in their platform, and that is exactly what I am addressing today.

The definition of omnibus bill, as the Liberals put it out in their platform, was that it was legislation that amended more than one thing at one time. That is exactly what we have going on here today, legislation that amends several pieces of the law all the way through which are not necessarily tied together. If they wanted to repeal the entire Criminal Code and bring it back in, I guess that would not be bringing in something different and that would not be an omnibus bill.

However, we have this scattershot all-over-the-place bill that amends some things, takes some things out, puts other things in, and deletes other things altogether. In my terms, that is an omnibus bill. I feel like I am defending something I do not even want to defend. I do not really care if omnibus bills are introduced. This is what the Liberals championed. This is what they ran on in their platform. Why are they abandoning it today?

Mr. Ted Falk (Provencher, CPC): Mr. Speaker, I thank my colleague, the member for Peace River—Westlock, who I think did a great job of expanding on this bill. It is indeed a real privilege for me to stand and speak about Bill C-51.

I think the last time I spoke about Bill C-51 was about two years ago when the Minister of Public Safety introduced it as an anti-terrorism measure. I was very happy to work on the public safety committee at that time and to be part of the committee work that brought that bill forward. It was indeed a wonderful piece of legislation, which I may remind the Liberals they wholeheartedly supported.

Today, Bill C-51 is an omnibus bill, as was previously mentioned. I Googled it just for the sake of understanding maybe what an omnibus is. It could be a four-wheeled bus. That is not the case here. It says “items previously published separately” is what constitutes a bill as being omnibus. Certainly this is an omnibus piece of legislation, something that the Liberals railed against during their time as the third party in this House.

From that perspective, we are going to talk about it a little more. It means that we are going to have to cover a bunch of unrelated items, but they are all stuck in this bill. The first part of the bill I would like to speak about is found in clause 14 of Bill C-51. It was introduced to remove section 176 of the Criminal Code.

For the benefit of the folks watching these proceedings, I would like to read the section as it is being presented. Subsection 176 (1) of the Criminal Code says:

(a) by threats or force, unlawfully obstructs or prevents or endeavours to obstruct or prevent a clergyman or minister from celebrating divine service or performing any other function in connection with his calling, or

(b) knowing that a clergyman or minister is about to perform, is on his way to perform or is returning from the performance of any of the duties or functions mentioned in paragraph (a)

(i) assaults or offers any violence to him, or

(ii) arrests him on a civil process, or under the pretence of executing a civil process,

Section 176 provides explicit protection in the Criminal Code. It makes it a crime to unlawfully obstruct, threaten, or harm a religious official, before, during, or after they perform a religious service. It also makes interrupting or disturbing a religious service a crime.

In a time when there is an increasing amount of violence directed against religious groups and religious gatherings, removing this section made little sense. Yet, for some reason, the Liberal government wanted to get rid of the only protection for Canadians performing and participating in a religious service.

The Liberals said that attending a religious service was no different than attending a lecture. However, the many and varied religious groups which exist in Canada came forward in one collective voice, speaking one collective message. The message was simple: religious services and members of the clergy require protection under the law because they are different in kind from other sorts of public gatherings.

Removing section 176 would treat the disruption of a religious service as a mere mischief charge. To religious Canadians, a religious service is more than just an event to attend; it is a formative experience to their individual and community identities. Disrupting such a ceremony is not a small matter, but an act which offends their most fundamental right to gather in a peaceful assembly while sharing their most cherished beliefs.

A mere mischief charge in a time of growing intolerance would not have been sufficient. Indeed, repealing section 176 seems to show an intellectual disconnect on the part of the Liberals.

I am wondering what they were thinking by removing section 176, at a time when we see religious persecution all over our globe. We have seen attacks on religious institutions here in Canada, and the Liberals want to remove the only explicit protection that members of faith institutions have while they are conducting a worship service.

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I want to talk a little about my own personal experience, because I grew up as the son of a clergyman. I have a pretty good idea, at least in the Christian faith, of what a clergyman does, and what part of his duties are. I am sure it is similar in all faiths.

● (1740)

That is the beauty of section 176. It is not explicit to the Christian faith. This is protection for clergy and for worship services that applies to all faiths. Whether they are Christian, Jewish, Sikh or Hindu or Muslim, this provides protection for members of the clergy. It provides protection in the Criminal Code for all forms of worship services.

I remember clearly as a young person, growing up and into my early adulthood, the time when my father was a pastor. My father died at the age of 51 from the same rare throat cancer that one of our colleagues passed away from earlier this year. He too had a son by the name of Theodore, as did my father. My father passed away at an early age, but I do remember the work that my father was engaged in and some of the things he did. One of the things he was obviously called upon to do as a pastor was to conduct worship services on a Sunday morning for his congregation, and that is something that section 176 of the Criminal Code clearly identifies will be protected.

Some of the other things were that when he had parishioners or members in the community who had experienced tragedy in their lives, who maybe had encountered some personal difficulties, found themselves in the hospital with a debilitating or life-threatening disease or facing death, often the clergy are called to administer comfort to those individuals. In my father's case, he was able to share the saving grace and power of the knowledge of knowing Jesus Christ with the individuals who were facing imminent death. It gave them reassurance and comfort to know they could put their faith in Jesus and have security and eternal life. These were functions that my father performed on a regular basis. I remember hospital visitation was very important to my father. Section 176 is something that would provide protection for clergy as they go to visit their parishioners, or members in their community who may be suffering from illness, or the illness of a family member.

Something else my father did was to conduct marriage ceremonies. It is an important part of everyday life when a man and woman decide they are in love and want to commit to spend the rest of their lives with each other. They call a member of their clergy and say that they would like to get married.

It is an exciting part of life, a new part of life, so the clergy are called upon to perform marriage counselling, which is part of the work that clergy do. They give marriage counselling, and it is a very important part of the work of the clergy. In the coming and going of their particular duties in performing marriage counselling, but also in performing the actual ceremony, the Criminal Code, through section 176, would provide protection.

One could ask how often that protection is required. People have been successfully prosecuted under section 176 for interfering in a religious or worship service, or also interfering with or obstructing clergymen in the dispatch of their duties. It is kind of like an insurance policy. The comfort of knowing it is there to provide protection for people and their loved ones is very reassuring, even though they obviously hope they do not need it. Certainly our hope,

as Conservatives, would be that we would never have to experience a situation where section 176 of the Criminal Code is used. However, it certainly provides a deterrent for individuals from seeking to disrupt clergymen in the dispatch of their duties, disrupting a worship service, or disrupting worshippers and parishioners as they are in a gathering where they are encouraging one another and expressing their deeply held faith convictions, and worshipping the creator they serve.

There are lots of good reasons to support Bill C-51. Through many efforts of Canadians right across our country, who made their voices heard and their opinions known to the committee, to the justice minister, and to the Prime Minister, the Liberals listened, and they amended the bill. They are going to keep section 176 in Bill C-51. I am happy, as a Conservative, to support that bill.

● (1745)

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I appreciate the comments of my colleague across the way. One of the things that our Prime Minister often talks about is the importance of our standing committees. When the standing committees get the opportunity to go over legislation, they are afforded the opportunity to listen to witnesses from different regions of our country.

At this committee, we saw a fairly accurate representation that went across all political party lines, as concerns and thoughts were expressed, not only at the committee, but also in the ridings of members of Parliament. I was contacted and had the opportunity to share my concerns in regard to it. Through the committee process, there was a sense of unanimous support that this could be improved if we not only repeal it, but also an amendment was made to expand and modernize it.

I wonder if my colleague could provide comment as to what degree we can see good productive work coming out the standing committees to better the legislation for all Canadians.

Mr. Ted Falk: Mr. Speaker, we do not often experience what we saw at the justice committee. Liberals have the majority and dominate every committee, and can really do as they please.

In this instance, I want to commend the Liberals, the NDP, and my Conservatives colleagues on the committee, for raising what was a very important concern regarding section 176 and the importance of keeping it in the Criminal Code.

The bill came to committee with a recommendation that the section be deleted from the Criminal Code. The committee, with an open mind, listened to witnesses from a variety of faith backgrounds, and other expert testimony. They considered it carefully. They heard from Canadians from sea to sea to sea. Canadians responded to this issue, and the committee listened carefully. Indeed, the Prime Minister gave them the latitude to amend the bill and keep section 176 in the Criminal Code.

Government Orders

Mr. Anthony Housefather (Mount Royal, Lib.): Mr. Speaker, I want to say how moving it was to hear my colleague talk about his father. He obviously loved him very much. I think what all of the members of the justice committee heard in terms of testimony was that people with faith see themselves being recognized in the Criminal Code with this section. That was why there was unanimous agreement from all parties to retain that section, and to even expand it. I would like to thank the hon. member for his participation in that effort.

Does he agree that the retention of section 176 is not only symbolic, but it allows communities to see that Canadians value their presence in this country?

• (1750)

Mr. Ted Falk: Mr. Speaker, I want to thank the member, who is the chair of the Standing Committee on Justice and Human Rights. I was very pleased to serve with him as the vice-chair for two years, and I respect his leadership and his chairmanship of that committee. He does an awesome job, and he takes a balanced approach. He is willing to listen, so I commend him on his role there.

I was happy to participate in the debate on Bill C-51 at his committee. He gave me the opportunity to ask questions to the witnesses in regard to leaving in section 176 of the Criminal Code.

I am disappointed that the justice minister even presented the bill with the removal of section 176. I do not know what in the world she was thinking, but it was a disappointment. When Canadians recognized that it was in there, when we as politicians brought it to their attention, they overwhelmingly responded to the justice committee, to the justice minister, to the Prime Minister. The committee listened and realized it is hugely important to Canadians that protection for religious services, for clergy, for religious officiants be enshrined in the Criminal Code. We need that protection. It is important to all Canadians that we have that freedom, and we want to protect that.

Mr. Adam Vaughan (Parliamentary Secretary to the Minister of Families, Children and Social Development (Housing and Urban Affairs), Lib.): Mr. Speaker, I have been sitting here listening to the description of omnibus bills and I must say that when I was on city council and we heard that the Conservative government of Stephen Harper was passing an omnibus bill, we were thrilled. We thought it was a transit plan. We were wrong. It was not a transit plan.

The comparison of that particular bill to this one is remarkable. This legislation would amend the Criminal Code. It is all contained within one single ministry. I will talk about the changes a bit later.

By comparison, Bill C-43, was close to 600 pages long. This will perhaps help some members of the New Democratic Party to remember what a real omnibus bill looks like, especially if they are new to the legislature.

Let me read some of the acts that were changed by Bill C-43: the Income Tax Act, the child fitness tax credit, the Income Tax Regulations, and the Excise Tax Act. A selected list of financial institutions was impacted as was the Excise Act, 2001.

There was intellectual property, the Industrial Design Act, and the amendments to the act and exclusive right. There was also the Patent

Act and the biological materials. There was also the Aeronautics Act, the Canadian High Arctic Research Station Act and the enactment of act for that. As well, there were transitional provisions, consequential amendments, and the Access to Information Act.

To continue, there was the Financial Administration Act; the Privacy Act; the Public Service Superannuation Act; the Criminal Code, which is what we are dealing with here today, one single act. As well, there was the Federal-Provincial Fiscal Arrangements Act; the Radiocommunication Act; administrative monetary penalties; the Revolving Funds Act, with an amendment to that as well.

Under the Minister of Citizenship and Immigration there was another set of acts and that is when the government went to court and pulled this out because the Supreme Court overruled some of the government's changes to the Criminal Code nine times. The government pulled medical assistance and health care for refugees, one of the cruellest acts of Parliament in the history of this country. That was buried in the middle of Bill C-43.

I am not even halfway through the list of acts that were amended by Bill C-43.

The Royal Canadian Mint Act was impacted by the omnibus bill. There was the Investment Canada Act with amendments as well. There were also related amendments to the economic action plan. The Broadcasting Act was hit, as was the Telecommunications Act. There was the amendment to the general administrative monetary penalties. There were also provisions for both administrative monetary penalties schemes and coordinating amendments. The list goes on.

The Northwest Territories Act was impacted. The Employment Insurance Act was touched. The government even opened up the Canada-Chile free trade agreement. There was the Canada Marine Act, where marine ports were given legislative powers and planning powers that superceded municipalities. Nobody was consulted on that. Members were not even consulted on the Canada Marine Act. That was one of the most egregious things that the Conservative government did.

That government gave power to the port authorities to basically override and ignore local planning authorities, local decisions, and local plans made on any property that it acquired. In other words, the government could rezone property retroactively after it purchased it, which meant it could buy low-income property, property with low purchase prices, and then suddenly turn it into something much more valuable, like residential property, in order to turn a profit so it could then fund its programs. The government could not actually fund its programs based on the way the Canada Marine Act was configured. This drove cities across the country insane because it was so ill-conceived. It ran so roughshod over local planning and local real estate laws. It was amazing. At the end, the government had to pull many of those provisions off the table because it was such an egregious piece of legislation.

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There were also changes to the DNA Identification Act. There were amendments to the act and establishment and contents. There was the comparison of profiles and communication. There was also the removal of access to information that was changed. The list goes on.

There was the Public Servants Disclosure Protection Act. There was also the Public Health Agency. The Conservative government split the position of the chief of the Public Health Agency of this country into two, one who reported to cabinet and one who reported directly to the government.

Bill C-43 was a budget bill by the way. All of the acts they changed were administrative changes made to important parts of the department. The Conservatives also reduced the fees for bee breeding, one of my favourites.

They also increased tax on hospital parking. They thought if someone was going to visit his or her mother in hospital and they could find a way to tax that visit, they would do that. That was part of the omnibus bill.

What we said in our campaign promise was explicit. We said that budget bills would remain budget bills. Much of what the NDP complains about when they talk about omnibus bills is our budget enactment bills, which are omnibus bills by their very nature. They are exactly the kind we promised to sustain.

Budgets are not done one clause at a time. When fundamental policies across the breadth of government are changed, it is a coordinated budget, a coordinated piece of legislation, and we exempted that from our prohibition on omnibus acts. The legislation we introduced to prevent omnibus acts, which the opposition has used effectively in this term of Parliament, excludes budget acts for the very reason that a budget has to be passed all at once, otherwise we end up with a thousand votes and a thousand clauses.

• (1755)

I wait to see an NDP government in B.C. pass the budget clause-by-clause. It will take it six years to do that, and my sense after today's decision on the dam is that it may not have six years.

The issue we are talking about here today is reforms to the Criminal Code. The reforms are extraordinarily important. There are some elements of the code that are nuisance laws. There is a law prohibiting crime comics in our country. That would be taken away. There are rules and regulations that have existed and been on the books for a number of years that just do not make sense anymore. Those would be cleaned up as part of this process.

However, we are also bringing forth some critically important changes to the way sexual assault is prosecuted in the courts. We are taking steps to protect women and other vulnerable individuals who are sexually assaulted. Those deal with a comprehensive set of rules and regulations that tie together evidence laws and some of the practices and procedures in the court system. They need to be brought together in a bill because that is the way it is done. If we are going to make comprehensive change, we have to unite the issues and items that are related under a single ministry, or statute, or a single set of laws, like the Criminal Code, and make those changes as part of a comprehensive process. That is what is happening. This is not an omnibus bill. These are amendments to the Criminal Code.

This is a legal bill coming from the Minister of Justice, and it is an appropriate set of bills.

The last thing I want to talk about is the changes to be made. I was a member of Parliament in the last session and watched as committees refused to entertain any conversation with anyone. That included not only the opposition but the witnesses. There were a number of times when Conservative members would come and tell me there was a mistake made in the drafting of legislation. I remember one instance dealing pharmacare and pharmacy regulations. Every single witness, the doctors, the hospitals, the patients' rights groups, the medical officials, and the science community, came forward and said "You made a small mistake here". One of the opposition members said, "I know we've made that mistake, but we're not allowed to fix it. The Senate has said it will entertain no motions of change, at all, ever". In fact, we would be hard pressed to find an amendment that was made to any bill that was printed for any committee over the last four years.

What we have in this process is a piece of legislation that was drafted. Through the committee process, with good evidence from Canadians coming forward, and our listening to that evidence, and members of the opposition and members of the government talking about how to make a bill better, which is in fact the committee process, rules were changed and the law was changed. That is as it should be. The notion that we can land a piece of legislation perfectly and never make a change to it ever again is absurd. It is the wrong way to approach Parliament. It is the wrong way to approach committees.

It does not mean that every opposition motion or amendment will be passed. That is wishful thinking, quite frankly. What it does mean is that when a good suggestion comes forward, the committee should seize that issue and the points raised and modify laws. That is the way a good committee process works. That is the way a good Parliament works, and we are being told we are weak or made a mistake because we did that.

The previous government was arrogant. We saw time and again the Harper government land legislation that it deemed to be perfect and not to be debated in the House, let alone changed at committee level and listened to by Canadians. Even the Senate, where they had a majority, would not entertain motions of change. The legislation was paralyzed from point of introduction to point of enactment. That is not good democracy. That is not good government, and that certainly is not a good parliamentary process.

Government Orders

Yes, a motion was changed. I expect good debate to change motions and to make them better, because as the Prime Minister often says, “better is always possible”. The opposite side often has good ideas. I have sat with them in conversation about a number of different projects and proposals, and asked them to get us to a better spot, because as I said, that is the way good legislation emerges.

We are here to listen and to talk. We are here to debate. We are also here to have conversations, and when those conversations result in reasonable propositions coming forward that fix legislation and make it better, our government, as a good government, is always going to be there to listen to Canadians, parliamentarians, and caucus. It will listen to differing views on all sides of the issues. I am proud to be part of a government that does that.

I am also proud to be part of a government that has put procedural mechanisms in place for House so that when a complex bill moves forward and the Speaker is asked to rule on whether or not it is an omnibus bill, there is a methodology, a process, that will allow that bill to be split so that members can vote differently on different parts of the legislation. That is not a bad thing, but a good thing. It does not mean that every one of the bills we present will be perfect. We are not expecting perfection on any side of the House. What we are looking for is honest effort, good contributions, solid thinking, wise Canadians being brought to Parliament to participate in the committee process so that all Canadians when they see legislation passed can see their voice reflected.

● (1800)

I want to remind the House about the omnibus legislation the opposition talks about. It is ludicrous to suggest that a budget cannot be passed unless there is clause by clause. Budgets are complete sets of expenditures, programs, and development. That is how they will be presented. The opposition can hue and cry about it all it wants, but it is wrong.

It is wrong on this legislation. It is wrong to characterize the other complex bills as omnibus simply because several ideas under a single ministry are brought together as a comprehensive set of reforms. That kind of complaint is really just wrong. A former New Democrat in Toronto used to talk about it and said that when the opposition complained about the process, it had conceded the argument. All it is trying to do now is just dumb us up with a conversation about process. We have seen that happen a couple of times in the House this session.

When legislation is brought forward that gives the opposition the right to challenge it as omnibus, it can avail itself of that process. Why is the opposition not doing it on this bill? It is because on this bill the opposition happens to understand why the bill is being brought into concert. It understands the process it went through as it went through the committee. We can actually hear the opposition members say that they effectively support the bill.

What are the opposition members talking about when they complain about the bill. They are complaining about something that was taken out already. In other words, they are complaining about being listened to. If the opposition members are going to be complaining about being listened to, how else are we going to engage with them, if they are not going to talk to us anymore? How else can we engage with them? When we listen to them, it is a good

thing. They should be thanking us for it. Instead what the opposition members are trying to do is knock us down because of it. That is absurd.

This legislation, which is on its last few hours of debate, is an incredibly important for the reform of the way sexual assault is treated in the legal system. It also gets rid of a bunch of laws that really should not be on the books anymore. Every now and then governments need to do that as part of the Criminal Code reform.

At the end of the day, the legislation will be supported by the bulk of the members in the House, based on the speeches I have heard today, because government in fact did work with consensus, did work with the committee, and did work with the committee chair to make the changes that needed to be made. For that, I am happy.

However, if the opposition members would like to go back to debating omnibus bill, I have Bill C-43 in front of me. I also have the other omnibus bills the Conservatives passed. If the members want disconnected pieces of legislation that go off in all directions at once, with sound and fury signifying, unfortunately, too much and too little, members can refer back to the previous Parliament. Then we can talk about real omnibus legislation. Real changes to fundamental policies that affected Canadians were slipped in, not mentioned in the budget speech, not printed in the budget book, not brought together as a cohesive or coherent economic argument, but simply added to a budget bill, and then made into a mandatory vote with no changes being proposed at committee.

That is what an omnibus bill is. This is not an omnibus bill under any definition of the word.

● (1805)

Ms. Linda Duncan (Edmonton Strathcona, NDP): Mr. Speaker, I had to stand because of the speech my colleague just gave. He talked about how his government was open to amendments proposed by the opposition. Let me share an experience that counters what the member has said.

In my committee, I brought forward a number of amendments to a bill that the government brought forward. The amendments were actually recommended by the majority Liberal committee, yet my committee, which is a majority Liberal committee, rejected those amendments.

Perhaps the member could explain this to me. What is the purpose of members of the opposition working hard, looking at a bill, looking at what committees are recommending, considering what witnesses have said to strengthen to the bill, and then just flat out rejecting them, presumably, because the government of day does not want any amendments.

Mr. Adam Vaughan: Mr. Speaker, I would have to look at the particular amendments to which the member is speaking.

I know as a parliamentary secretary, it is expected that I vote with the government each and every time, yet I know I have the freedom to stand in the House and support amendments that are tabled and opposition private member's bills. We have much more latitude as a government than I think any other party that has ever ruled has had.

Government Orders

When it comes to the particular committee and the particular amendments, without being given the exact example, it is hard to comment specifically.

What I do know is that in the process of evaluating opposition proposed amendments, consultation happens. We do not just consult with the people who appear at the committee. We also talk to staff members in departments. We also talk to other members of caucus. Sometimes unintended consequences of proposed legislation gets a reconsideration.

I have talked to members of the opposite side. Fundamentally sound amendments that come forward with which we agree, we will vote for and support. We do not look at the origin of the amendment in order to support it. We take a look at the essence of the amendment, the essence of how that amendment might affect the legislation that is in front of us, and we make a public decision about what we can and cannot support. It is a dialogue.

I assure the member opposite that reasonable amendments we can come to a consensus on will get the support of members. If we disagree with them, we will not support them. I sit as the parliamentary secretary on a committee and I have never told a single member of that committee how to vote.

Mr. Alistair MacGregor (Cowichan—Malahat—Langford, NDP): Mr. Speaker, I have the great honour of serving as one of the vice-chairs on the Standing Committee on Justice and Human Rights. I have been on a few committees, but I have to honestly say that I have never had a better experience than being on the Standing Committee on Justice and Human Rights in this Parliament. Everyone who serves on the committee approaches their job with a lot of care, compassion, and responsibility, and it is because of the nature of the subject matter that comes before committee.

My experience, whether dealing with various studies on access to justice or criminal justice bills, has always been a positive one and I feel there are always good conversations in that respect. We made some good amendments that reflected the popular will of the people, notably with section 176. I received an avalanche of correspondence from people all across the country, for whom section 176 had deep, symbolic value. I am glad that all parties could come to an agreement on leaving that section in.

The Minister of Justice has stated many times that criminal justice reform is very important to the Liberal government. As we are about to send Bill C-51 off to the other place, I wonder if the parliamentary secretary could comment on the status of Bill C-39, because that has some incredibly important provisions that need to be amended in the Criminal Code. We have heard reference to the Vader case, in which an incorrect verdict was rendered because of an obsolete section of the Criminal Code. It also deals with a section that still criminalizes abortion.

If criminal justice reform is so important to the government and we are now past the two-year mark, can he offer any insight as to when we will see further steps in the government's agenda on criminal justice reform?

Mr. Adam Vaughan: Mr. Speaker, criminal justice reform, after 10 years of the previous government, is badly needed. I see the impacts of it in the city that I represent daily, monthly, and yearly. As

we move forward with a new approach to criminal justice, we will see collections of bills move forward under the Minister of Justice.

One of the issues I am concerned about is the arbitrariness with which judges are being treated and some of the mandatory minimum sentences that would remove the ability of judges to do what they are paid to do, which is to listen to evidence and make decisions based on evidence presented in court, not ideology presented on the floor of Parliament. It does not mean that all mandatory sentences are bad. In extraordinarily serious cases, we know there are standards that society expects us to sustain. However, in my city, there is a situation where, quite often, young people charged with having guns are on a five-year cycle of going into jail and coming out together. We can almost guess, neighbourhood by neighbourhood, year by year, which community is going to be impacted, because five years earlier there was a raid in that community. Everyone goes into prison together, everyone comes out together, and there has been very little reform.

We also know that in the criminal justice system a lot of the programs were cancelled. It was not just the prison farms that were cancelled, a lot of the reform practices in the Canadian penitentiary system were stripped as part of budget cuts, and it has left inmates coming out of prison, having served their time, in a horrible state. We know there need to be changes in a whole series of those fronts.

We also know that in Ontario, in particular, the incarceration rate for Canadians of African descent, black Canadians, is off the chart. Young people in our cities who are of Caribbean or African descent and have been here for 200 to 300 years are being charged differently, sentenced differently, and do their time differently. We know that criminal justice needs to be reformed.

I look forward to conversations with the committee, which is clearly working well, and to the amendments that I know the justice minister is working on, to bring forward some of these changes so that our criminal justice system not only protects Canadians, but also reforms criminals to prevent us from having to deal with repeat offenders. We need to make sure we get smart on crime, not just tough on crime. The previous government was so convinced that it could punish its way into a safer Canada that, quite frankly, it lost sight of the fact that we need to reform prisoners and change their behaviour, because they will get out at some point.

The way people go through the prison system also needs to be changed, and that involves not having mandatory minimum sentences necessarily, but the appropriate sentences with the appropriate reforms and appropriate rehabilitation put in place so that we protect people and also protect society in the long run. When I hear the opposition talking about a collaborative process and a process of consensus, it makes me very happy that the conversations are going to be rich ones and will bring the full experience of all Canadians to the table when decisions are made.

Government Orders

I look forward to the legislation that the member is talking about being further debated, as well as other changes to the Criminal Code moving forward, because, as I said, we need to get smart on crime, not just tough on crime. We need to make Canada safe, but we also need to make sure we keep Canada safe by making sure the prison system does not create more criminals.

• (1810)

Mr. Murray Rankin (Victoria, NDP): Mr. Speaker, I would like the thoughts of the parliamentary secretary on the one part of this bill that does not simply make amendments to the Criminal Code, but to the Department of Justice Act. That, I guess, is why some are calling it an omnibus bill, though I do not agree with that. I am referring to the requirement that a charter statement accompany every government bill, whether it is with respect to criminal or non-criminal law. Does the member think that really adds much value to the way we do business in this House?

Mr. Adam Vaughan: Mr. Speaker, I think it does. When we surface the charter and the way it frames legislation, it gives us a sense that the laws presented here have been thought of in the context of the charter.

In the previous sessions of Parliament, we saw bills that were immediately struck down by the Supreme Court. While the Harper government loved to jump up and shout about its wonderful legislation, the reality was that the legislation was not charter-compliant. As a result, people's lives were impacted. A lot of time was wasted, quite frankly, because the previous government did not respect the charter when it drafted legislation. While not every single bill necessarily has a weighty argument attached to it, I think every bill that is drafted and presented as law or government policy should be charter-compliant. It should be screened against that, because it adds information and context, rather than our simply guessing whether it is charter-compliant. We would know what the government lawyers and the departments thought of the legislation as they drafted it, which is good information to have. It does not mean that it necessarily is charter-compliant. The judges have a role and the judiciary have a role, but it is a worthy comparison.

I also think that with very contentious issues, it is important to think about the charter at the beginning of the process, not after a bill has gone through the Senate and on to royal assent. It is part of an enriched environment that puts the charter at the centre of what we do here, which means that people's rights will be at the centre of what we do. As we can see from our national housing strategy, that is the way this government likes to roll.

• (1815)

Mr. Alistair MacGregor (Cowichan—Malahat—Langford, NDP): Mr. Speaker, it is indeed a great honour to be the last speaker today on this particular bill. I want to start by thanking several of my colleagues who had to cover for me in the earlier part of the session when, due to a family situation, I was unable to be here for the first sitting weeks of Parliament and unable to participate in the Standing Committee on Justice and Human Rights. That was during the time when Bill C-51 came before the committee, and I just want to signify my appreciation for the colleagues who did that important work on my behalf.

I have heard comments in this House referring to Bill C-51 as an omnibus bill. With respect, I would have to disagree with those

comments. The true sense of omnibus legislation refers to a bill that amends multiple different federal statutes, whereas with Bill C-51, we see all the amendments grouped thematically and really centred on cleaning up the Criminal Code, those redundant and obsolete sections, clarifying the language, and also providing direction to the Minister of Justice in providing a charter statement. Of course, there are consequential amendments to other acts and transitional provisions, but on the face of it, Bill C-51 is an appropriate bill. Some may balk at the length of the bill, but I would say to those members that just underlines the state our Criminal Code is in.

The Criminal Code is a very massive federal statute. It has been added to over the decades, and is a law that needs a lot of cleanup. In fact, legal scholars have been calling for us to act on these provisions for decades now. They have resulted in some real problems in case law. Unless Parliament provides for the amendments, the Criminal Code gets faithfully reproduced with all of its mistakes year after year.

It is heartening to see the charter statement contained in the bill. I will commend the government on starting that process, where the government at least puts forward its arguments with respect to why it thinks a particular piece of legislation infringes on the charter and why it thinks it is going to be okay. That is a starting place for us to have a fulsome debate in this place. As to whether we will always agree with it, that of course remains another question.

We are encouraged that the sections that help clarify Canada's sexual assault laws are in there. When we talk about our sexual assault laws, the big topic of conversation in Canadian political and public discourse is on consent. We need a lot of education among our youth and all members of society on what consent actually means. It is one thing to codify it in the Criminal Code, but not many people outside this chamber and the court system have the opportunity to read the Criminal Code. We also need to have that robust public education campaign to make sure everyone in society knows exactly what consent means and what the ramifications are of it.

On the sexual assault provisions, I will go over a few of the things the legislation is aiming to do. It is aiming to clarify specifically section 273.1, which is going to reflect the Supreme Court's decision in *R. v. J.A.* It is amending section 273.2, which clarifies the defence of a mistaken belief of consent. It is not available if the mistake is based on a mistake of law, for example, if an accused believed that the complainant's failure to resist or protest meant that the complainant consented.

Government Orders

This was a pretty heavy part of the committee's study. This part of the bill is quite complex, where a slight turn of the phrase or a different word used can certainly have some big ramifications. When I was on that committee, a lot of that testimony really informed some of the amendments the NDP made at that committee. Of course, thanks to my colleagues who took my place during some of the important testimony we heard.

● (1820)

We moved three main amendments that, unfortunately, were not passed at committee. While I respect my Liberal colleagues' arguments against those provisions, I think the law is an organic thing. We do our best to write the law in this place, but of course it will have to withstand the test of time within our courts, and those ultimately will be the judge of who was right and who was wrong in this case.

At committee, we tried to amend clause 10 to clean up the language to include the reason that a complainant would not have the capacity to understand the nature of the activity or would not be aware that she or he was obliged to consent to the activity. Therefore, we were concerned that the definition of incapacity might not have been entirely clear. There were some questions over whether the law was relying too heavily on a person's being unconscious and not looking at other forms of incapacity such as being drugged or something like that. Someone may not necessarily be unconscious, but could still be incapable of consenting to the activity that is going on.

We also heard of a complainant's expectation of privacy. We moved an amendment that reflected the need to clarify the admissibility of a complainant's private records at trial that would be in the hands of the accused. We heard some really great testimony from Professor Emma Cunliffe from the Peter A. Allard School of Law at UBC.

I was proud to move those amendments and argued as forcefully as I could, ultimately to no avail, but I still respect the work we did at committee and that we are finally at a stage now where Bill C-51 is on the launching pad and ready to go to the other place.

This bill also seeks to clarify and amend a number of sections of the Criminal Code that are redundant and obsolete. Some of those sections, I can go over. It would repeal section 71, provoking a person to fight in a duel or accepting such a challenge. Of course, in modern Canadian society that is no longer going on. It would repeal advertising a reward for the return of stolen property no questions asked, under section 43; and, of course, it would repeal the section on the possession of crime comics, from another age in Canada when people thought these would corrupt our youth. Of course, we know that to be a bit outdated in this day and age. One of my favourite clauses repeals the section on people fraudulently pretending to practise witchcraft. These sections serve to show how out of date many sections of our Criminal Code are and, of course, why we need this particular clause.

I will end on one of the most positive parts of our study of this bill, and that had to do with section 176. When members first read the bill at second reading, the proposed repeal of section 176 was simply a line item. It became obvious over the summer months that this particular section had deep symbolic value to many religious

communities across Canada. I know that many of my colleagues and I received a lot of correspondence from people who felt that the section should be kept in the Criminal Code because of today's climate of religious intolerance. I believe that repealing it would have sent the wrong message. I am very pleased that we as a committee, indeed all parties, came together to keep that section and the fact that we reached consensus to modernize the language and so on and so forth.

With that, I will end on the fact that the bill is an important first step. We in the NDP are eagerly awaiting news from the Liberal government on when it will move ahead with Bill C-39, because that bill includes some very important provisions of the Criminal Code that need to be dealt with. I hope that the current government, with its emphasis on criminal justice reform, heeds those requests and moves forward with that particular bill.

With that, I will conclude my speech. I appreciate this opportunity to speak to this bill.

● (1825)

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I agree with my friend that the bill is moving forward and removing things that are archaic. I wonder why, though, we have not dealt with something called the Zero Tolerance for Barbaric Cultural Practices Act from the last Parliament which made illegal things that are already illegal, like killing someone because they marry outside the family's wishes, or forcing someone into an illegal marriage. All of these things were already illegal, and I believe that the Zero Tolerance for Barbaric Cultural Practices Act belongs in the same category as banning witchcraft.

Mr. Alistair MacGregor: Mr. Speaker, my colleague's question illustrates the comprehensive reform that is needed with respect to the Criminal Code, and I am in complete agreement with her. While I was not fortunate enough to sit in the previous Parliament, I did work for the great Jean Crowder. We were opposed to that motive of the government to lump in those kinds of crimes, and I think that is a section that absolutely needs to be looked at.

Again, I will have to go back to my comments on Bill C-39. We hope that with the government purporting to be serious about criminal justice reform, we get to see some movement on these important bills coming in the near future.

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

The Deputy Speaker: I declare the motion carried.

(Motion agreed to, bill read the third time and passed)

* * *

SALARIES ACT

The House resumed from December 7 consideration of Bill C-24, An Act to amend the Salaries Act and to make a consequential amendment to the Financial Administration Act, as reported (without amendment) from the committee, and of the motions in Group No. 1.

The Deputy Speaker: It being perilously close to 6:30 p.m., pursuant to an order made on Thursday, December 7, 2017, the House will now proceed to the taking of the deferred recorded division on the motion at report stage of Bill C-24.

Call in the members.

• (1840)

[*Translation*]

The question is on Motion No. 1. A vote on this motion also applies to Motions Nos. 2 to 4.

• (1850)

[*English*]

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

(*Division No. 433*)

YEAS

Members

Aboultair	Albas
Albrecht	Allison
Anderson	Arnold
Aubin	Barlow
Barsalou-Duval	Beaulieu
Benzen	Bergen
Bernier	Berthold
Blaikie	Blaney (Bellechasse—Les Etchemins—Lévis)
Block	Boucher
Boutin-Sweet	Brassard
Brosseau	Brown
Calkins	Cannings
Caron	Chong
Choquette	Christopherson
Clarke	Clement
Cooper	Cullen
Davies	Deltell
Diotte	Doherty
Dreeshen	Dubé
Duncan (Edmonton Strathcona)	Dusseauit
Duvall	Egliniski
Falk	Fast
Finley	Fortin
Gallant	Garrison
Généreux	Genuis
Gladu	Godin
Gourde	Hardeastle
Hughes	Jeneroux
Johns	Julian
Kelly	Kent
Kitchen	Kwan
Lake	Lauzon (Stormont—Dundas—South Glengarry)
Laverdière	Leitch
Liepert	Lloyd
Lobb	MacGregor
MacKenzie	Maguire
Malcolmson	Marcil
Mathysen	McCaughey (Edmonton West)
McColeman	McLeod (Kamloops—Thompson—Cariboo)
Miller (Bruce—Grey—Owen Sound)	Moore
Motz	Nantel
Nater	Nicholson
Paul-Hus	Paupé
Plamondon	Poillievre
Quach	Ramsey
Rankin	Reid
Richards	Sansoucy
Saroya	Schmale
Shields	Shipley
Sopuck	Sorenson
Ste-Marie	Strahl
Stubbs	Thériault
Tilson	Trudel
Van Kesteren	Van Loan
Vecchio	Viersen

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Waugh
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Warkentin
Webber
Yurdiga

NAYS

Members

Aldag	Alghabra
Amos	Anandasangaree
Arseneault	Arya
Ayoub	Badawey
Bagnell	Bains
Baylis	Bennett
Bibeau	Bittle
Blair	Boissonnault
Bossio	Bratina
Breton	Brisson
Caesar-Chavannes	Carr
Casey (Cumberland—Colchester)	Casey (Charlottetown)
Chagger	Chen
Cormier	Cuzner
Dabrusin	Damoff
DeCoursey	Dhaliwal
Dhillon	Drouin
Dubourg	Duclos
Duguid	Duncan (Etobicoke North)
Dzerowicz	Easter
Ehsassi	El-Khoury
Ellis	Erskine-Smith
Eyking	Eyolfson
Fergus	Fillmore
Finnigan	Fisher
Fonseca	Fortier
Fragiskatos	Fraser (West Nova)
Fraser (Central Nova)	Freeland
Fuhr	Garneau
Gerretsen	Goldsmith-Jones
Goodale	Graham
Grewal	Hajdu
Hardie	Harvey
Hébert	Hehr
Housefather	Hussen
Hutchings	Iacono
Joly	Jones
Jordan	Jowhari
Kang	Khalid
Khera	Lambropoulos
Lametti	Lamoureux
Lapointe	Lauzon (Argenteuil—La Petite-Nation)
Lebouthillier	Lefebvre
Levitt	Lightbound
Lockhart	Long
Longfield	Ludwig
MacAulay (Cardigan)	MacKinnon (Gatineau)
Maloney	Massé (Avignon—La Mitis—Matane—Matapédia)
May (Cambridge)	May (Saaneich—Gulf Islands)
McCrimmon	McDonald
McGuinty	McKay
McKinnon (Coquitlam—Port Coquitlam)	McLeod (Northwest Territories)
Mendès	Mencicino
Miller (Ville-Marie—Le Sud-Ouest—Île-des-Sœurs)	
Monsef	Murray
Morrissey	Nault
Nassif	O'Connell
Ng	Oliver
Oliphant	Ouellette
O'Regan	Peschisolido
Paradis	Philpott
Peterson	Poissant
Picard	Ratansi
Qualtrough	Robillard
Rioux	Romanado
Rodriguez	Ruimy
Rudd	Sahota
Rusnak	Sajjan
Saini	Sangha
Samson	Scarpaleggia
Sarai	Schulte
Schiefke	Sgro
Serré	Sheehan
Shanahan	Sidhu (Brampton South)
Sidhu (Mission—Matsqui—Fraser Canyon)	

Government Orders

Sikand
Sohi
Spengemann
Tan
Tootoo
Vandal
Vaughan
Whalen
Wilson-Raybould
Young

Simms
Sorbara
Tabbara
Tassi
Trudeau
Vandenbeld
Virani
Wilkinson
Wrzesnewskyj
Zahid— 168

PAIRED

Nil

The Deputy Speaker: I declare Motion No. 1 defeated. I therefore declare Motions Nos. 2 to 4 also defeated.

• (1855)

[*Translation*]

Hon. Bardish Chagger (Leader of the Government in the House of Commons and Minister of Small Business and Tourism, Lib.) moved that Bill C-24, An Act to amend the Salaries Act and to make a consequential amendment to the Financial Administration Act, be concurred in.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And five or more members having risen:

• (1900)

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

(*Division No. 434*)

YEAS

Members

Aldag	Alghabra
Amos	Anandasangaree
Arseneault	Arya
Ayoub	Badawey
Bagnell	Bains
Baylis	Bennett
Bibeau	Bittle
Blair	Boissonnault
Bossio	Bratina
Breton	Brisson
Caesar-Chavannes	Carr
Casey (Cumberland—Colchester)	Casey (Charlottetown)
Chagger	Chen
Cormier	Cuzner
Dabrusin	Damoff
DeCoursey	Dhaliwal
Dhillon	Drouin
Dubourg	Duclos
Duguid	Duncan (Etobicoke North)

Dzerowicz
Ehsassi
Ellis
Eyking
Fergus
Finnigan
Fonseca
Fragiskatos
Fraser (Central Nova)
Fuhr
Gerretsen
Goodale
Grewal
Hardie
Hébert
Housefather
Hutchings
Joly
Jordan
Kang
Khera
Lametti
Lapointe
Lebouthillier
Levitt
Lockhart
Longfield
MacAulay (Cardigan)
Maloney
May (Cambridge)
McCrimmon
McGuinity
McKinnon (Coquitlam—Port Coquitlam)
Mendès
Miller (Ville-Marie—Le Sud-Ouest—Île-des-Sœurs)
Monsef
Morrissey
Nassif
Ng
Oliphant
O'Regan
Paradis
Peterson
Picard
Qualtrough
Rioux
Rodriguez
Rudd
Rusnak
Saini
Samson
Sarai
Schiefke
Serré
Shanahan
Sidhu (Mission—Matsqui—Fraser Canyon)
Sikand
Sohi
Spengemann
Tan
Tootoo
Vandal
Vaughan
Whalen
Wilson-Raybould
Young

Easter
El-Khoury
Erskine-Smith
Eyolfson
Fillmore
Fisher
Fortier
Fraser (West Nova)
Freeland
Gameau
Goldsmith-Jones
Graham
Hajdu
Harvey
Hehr
Hussen
Iacono
Jones
Jowhari
Khalid
Lambropoulos
Lamoureux
Lauzon (Argenteuil—La Petite-Nation)
Lefebvre
Lighthound
Long
Ludwig
MacKinnon (Gatineau)
Massé (Avignon—La Mitis—Matane—Matapédia)
May (Saanich—Gulf Islands)
McDonald
McKay
McLeod (Northwest Territories)
Mendicino
Murray
Nault
O'Connell
Oliver
Ouellette
Peschisolido
Philpott
Poissant
Ratansi
Robillard
Romanado
Ruimy
Sahota
Sajjan
Sangha
Scarpaleggia
Schulte
Sgro
Sheehan
Sidhu (Brampton South)
Simms
Sorbara
Tabbara
Tassi
Trudeau
Vandenbeld
Virani
Wilkinson
Wrzesnewskyj
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Members

Abouttaif	Albas
Albrecht	Allison
Anderson	Arnold
Aubin	Barlow
Barsalou-Duval	Beaulieu
Benzen	Bergen
Bernier	Berthold
Blaikie	Blaney (Bellechasse—Les Etchemins—Lévis)
Block	Boucher
Boutin-Sweet	Brassard
Brosseau	Brown
Calkins	Cannings
Caron	Chong

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Clarke	Clement
Cooper	Cullen
Davies	Deltell
Diotte	Doherty
Dreeshen	Dubé
Duncan (Edmonton Strathcona)	Dusseault
Duvall	Eglinski
Falk	Fast
Finley	Fortin
Gallant	Garrison
Généreux	Genuis
Gladu	Godin
Gourde	Hardcastle
Hughes	Jeneroux
Johns	Julian
Kelly	Kent
Kitchen	Kwan
Lake	Lauzon (Stormont—Dundas—South Glengarry)
Laverdière	Leitch
Liepert	Lloyd
Lobb	MacGregor
MacKenzie	Maguire
Malcolmson	Marcil
Mathysen	McCauley (Edmonton West)
McColeman	McLeod (Kamloops—Thompson—Cariboo)
Miller (Bruce—Grey—Owen Sound)	Moore
Motz	Nantel
Nater	Nicholson
Paul-Hus	Pauzé
Plamondon	Poilievre
Quach	Ramsey
Rankin	Reid
Richards	Sansoucy
Saroya	Schmale
Shields	Shiple
Sopuck	Sorenson
Sté-Marie	Strahl
Stubbs	Thériault
Tilson	Trost
Trudel	Van Kesteren
Van Loan	Vecchio
Viersen	Warawa
Warkentin	Waugh
Webber	Weir
Yurdiga	Zimmer — 118

PAIRED

Nil

The Deputy Speaker: I declare the motion carried.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[English]

THE ENVIRONMENT.

Ms. Linda Duncan (Edmonton Strathcona, NDP): Mr. Speaker, on Monday, September 25 of this year, I raised this concern. While the government claims it is seeking inclusion of strong environment and climate provisions in the modernized NAFTA, no such measures have been publicly revealed and no environment advisers have been appointed to the council advising the Minister of Foreign Affairs, who is leading negotiations on NAFTA.

Only at the eleventh hour has the Minister of Environment and Climate Change announced she has now formed a NAFTA subgroup. None of the recommendations have been made public. Nor has it been revealed whether its proposals have even been tabled in the negotiations.

How can Canadians have faith that the Liberals are strengthening environment and trade deals without transparency? When will the minister reveal to Canadians what the Liberals are actually seeking for the environment at the negotiation table? The Americans, at the onset of the negotiations, publicly released their proposals for environmental provisions of a revised NAFTA. Therefore, where is the oft-touted Liberal government's openness, transparency, and accountability?

Here are some important questions requiring an answer.

Is Canada proposing to shut down the independent Commission for Environmental Cooperation, based in Montreal, created under the current NAFTA? Is Canada proposing to reduce senior level oversight over commitments for effective environmental enforcement and not to downgrade environmental laws by replacing authority vested in the council of ministers with instead junior level bureaucrats? Is the government recommending shutting down the secretariat, thereby ending any independent reviews and reports on allegations of failed enforcement? Finally, what is the baseline for Canadian environmental law? Is it the yet to be strengthened laws eviscerated by the Harper government?

• (1905)

Mr. Jonathan Wilkinson (Parliamentary Secretary to the Minister of Environment and Climate Change, Lib.): Mr. Speaker, Canada is firmly committed to the principle that trade and investment liberalization and environmental protection go hand in hand and is advancing a progressive approach to trade. Canada believes that commitments to high levels of environmental protection are an important part of all trade agreements, including NAFTA. Such commitments to good environmental governance in our trade agreements can help improve conditions for Canadian investment by promoting stable, predictable, and transparent environmental regulatory frameworks and institutions in partner countries.

[Translation]

The North American Agreement on Environmental Cooperation, an existing side agreement to NAFTA, clearly reflects the importance that, for a long time now, Canada has attached to strong environmental provisions. Since 1994, this agreement has served as an important mechanism to guarantee our firm commitment to a high level of environmental protection and provide a forum for multilateral North American environmental co-operation.

[English]

As we move toward modernizing NAFTA, we see an opportunity to strengthen the environmental provisions under the agreement to ensure environmental standards continue to be upheld as part of our trade and investment relationship. One of Canada's core objectives for these negotiations is that NAFTA can be made more progressive. This includes integrating high-ambition and enforceable environmental provisions into NAFTA, which fully supports efforts to address climate change and other global environmental challenges.

Canada is seeking commitments for NAFTA countries to maintain high levels of environmental protection, as well as provisions to ensure domestic environmental laws are both effectively enforced and not weakened to encourage trade and investment.

Adjournment Proceedings

Canada is seeking to secure progressive elements such as those achieved in the Canada–European Union Comprehensive Economic and Trade Agreement, including provisions that seek to reaffirm the state's right to regulate in the public interest and provisions promoting the trade in environmental goods and services.

We announced the establishment of the NAFTA advisory council on the environment last August. The 10-member council brings together prominent Canadians with a variety of backgrounds, such as politics, law, and Indigenous groups. This expert council includes former Quebec premier, Pierre-Marc Johnson; former British Columbia premier, Gordon Campbell; former Saskatchewan NDP finance minister, Janice MacKinnon; and Inuit Tapiriit Kanatami president, Natan Obed.

The council members are supporting the advancement of our government's progressive trade agenda by serving in their personal capacity to advise the Minister of Environment and Climate Change as Canada looks to strengthen environmental protections in a modernized NAFTA.

Ms. Linda Duncan: Mr. Speaker, I am disappointed that I did not obtain answers to any of the questions I asked. In all the trade deals negotiated under the Conservative government, and now by the Liberal government, they have not retained the provisions in the side agreement to NAFTA, which is an independent council and secretariat and high-level oversight of decisions on whether trade deals or business are actually undermining environmental protection.

Is the Liberal government proposing at the table? Will it let the public know what it is proposing at the table? Is it its intention to retain these very important measures that have actually delivered a lot?

I had the privilege of working with the secretariat. We delivered a lot of very good work. There has been a lot of good work by the independent secretariat on reviewing submissions claiming failed enforcement, but what has failed is the response by governments to those reports.

When is the Liberal government going to finally reveal to the public what it is bringing forward at the table so we can know whether this future NAFTA will in fact be stronger, or will it be weaker?

• (1910)

Mr. Jonathan Wilkinson: Mr. Speaker, I think I was pretty clear that the focus of this government is on enhancing and raising the environmental bar with respect to the environmental provisions of NAFTA. One needs to look at the track record. Canada has successfully included provisions on climate change in recent agreements, such as CETA, recognizing the need to co-operate among trading partners and the important role trade agreements play in facilitating market access. The focus for us is ensuring that the environment is robustly considered in the context of all trade agreements going forward. We are raising the environmental bar, and that is a good thing for Canada.

JUSTICE

Mr. Arnold Viersen (Peace River—Westlock, CPC): Mr. Speaker, earlier this month I highlighted the fact that every year, hundreds of young Canadian women, girls, and boys are lured into

the vicious cycle of sex trafficking. I asked when the Liberal government would start fighting this horrific form of modern-day slavery.

This is not the first time I have raised the issue of sex trafficking and this government's lack of action on it. In fact, exactly one year ago, I stood here to raise the same issue during adjournment, and in the past 12 months this government has done nothing. In fact, since coming to power, the Liberals have allowed the fight against human trafficking to languish. They have allowed the national action plan to combat human trafficking to expire. They ended funding for NGOs. They have blocked important tools for police that were adopted by this House over four years ago, and then the Liberals introduced legislation, Bill C-38, to lighten sentences for sex traffickers.

A week ago the parliamentary secretary to the minister of public safety, in his response to my question during question period, claimed that the government's Bill C-38 would give police and prosecutors new tools to investigate human trafficking.

I would never suggest that the member was misleading the House, but I would rather give him the benefit of the doubt that he may not have read Bill C-38 in answering the question. If he had read it, he would know that Bill C-38 is only one paragraph long and does not have any provisions whatsoever giving police or prosecutors new tools to investigate human trafficking. Even the Minister of Justice, when she introduced Bill C-38 last February, wrongly claimed that Bill C-38 included tools for police and prosecutors to combat human trafficking.

However, the tools they pretend to be in Bill C-38 were in fact unanimously adopted by this House four years ago in an NDP private member's bill, Bill C-452, which was supported by a Conservative government and voted on by the current Prime Minister. It was Bill C-452 that created the presumption with respect to the exploitation of one person by another, added the offence of trafficking in persons to the list of offences to which the reverse onus forfeiture of proceeds of crime provisions would apply, corrected a technical discrepancy, and included a provision that human trafficking sentences would be served consecutively.

Bill C-452 received royal assent in June 2015. Then the Liberal government came into power and has since blocked Bill C-452 from coming into force. Why? It is because the Liberals do not like the idea that sex traffickers might face consecutive sentences. They feel it is too harsh to expect that a child trafficker should serve a long sentence for exploiting a minor in sex slavery.

All Bill C-38 does is to prevent sex traffickers from receiving consecutive sentences. That is it. Nothing more. It certainly doesn't help the police.

Adjournment Proceedings

Eighty percent of the victims of sex trafficking have never come forward because of their fear. All of the investigators of human trafficking who testified on Bill C-452 welcomed the consecutive sentencing and highlighted that long sentences give victims the confidence to come forward to testify. They also pointed out that without consecutive sentencing, a pimp who traffics only one minor will receive the same sentence as a pimp who traffics five or 10 minors. Consecutive sentencing allows for punishments that better reflect the gravity of the situation.

When will this government stop misleading the public about Bill C-38? When will it stop blocking important tools for the police? When will the Liberals stand up for the victims of sex trafficking instead of blocking tougher sentences for those who enslave them?

Mr. Marco Mendicino (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, it is regrettable to hear that kind of hyperbole and rhetoric from my hon. colleague. It would be more appropriate to hear that from his usual seat in the House. I notice he has come to this side of the aisle. On this side of the aisle, we are actually quite proud of our record when it comes to human trafficking. I will get to that in just a moment, but I would point out that, perhaps it was not my hon. colleague, but certainly the last Conservative government cut close to \$1 billion from the public safety portfolio, including from the CBSA and the RCMP. All of that undermines many of the gross assertions he just made.

Returning to the question at hand, human trafficking is a heinous crime and a human rights offence. In collaboration with provinces and territories, indigenous communities, law enforcement, and community organizations as well as international partners, we are using a wide variety of measures to combat human trafficking, to support victims and potential victims, and to ensure that perpetrators are brought to justice.

The national action plan to combat human trafficking was a four-year initiative that ran until last year. Since then, Public Safety Canada has been leading a formal evaluation of the action plan to help inform how we move forward on this important issue. While that evaluation has been going on, federal departments and agencies have continued to combat human trafficking through a full range of initiatives. We have, for example, and my hon. colleague referred to it, introduced Bill C-38.

Contrary to what he said, the House has debated, and thoughtfully had a discourse about, reversing or easing some of the presumptions when it comes to the burden of proof so that prosecutors can ensure that offenders who participate in human trafficking are held to account. Unlike the last Conservative government, we believe we have an appropriate sentencing regime where we place faith in our judiciary. That means not supporting unconstitutional mandatory minimums, like the last Conservative government introduced, which was struck down by the Supreme Court of Canada. That means ensuring that we have an appropriate mandatory minimum sentencing regime, one that is evidence-based.

In addition to Bill C-38, we also introduced Bill C-21, which will be an important new tool to combat cross-border crimes. The RCMP has several initiatives that target human trafficking. Its human trafficking national coordination centre conducts public awareness

campaigns, training, and awareness sessions for law enforcement and stakeholders, as well as national threat assessments on human trafficking.

This past October, the RCMP partnered with police agencies and community organizations across Canada in a coordinated anti-trafficking effort called Operation Northern Spotlight. There was also Project Protect, a joint initiative between the Government of Canada and the private sector. It allows Canadian financial institutions to report transactions that are suspected of money laundering related to trafficking in persons for sexual exploitation. The impact of Project Protect on identifying suspicious transactions linking money laundering to human trafficking has been phenomenal. In 2015, prior to Project Protect, there were 19 such disclosures.

In 2016-17, the government made over \$21 million available to provinces, territories, and non-governmental organizations through the federal victims fund. In budget 2017, the government allocated \$100.9 million over five years to establish a national strategy on gender-based violence, which obviously overlaps with human trafficking.

The point is, on this side of the House, contrary to where my hon. colleague is currently sitting, we believe in evidence-based policy-making. We believe in supporting our law enforcement branches to ensure women and girls are protected as part of our overall national plan when it comes to human trafficking.

• (1915)

Mr. Arnold Viersen: Mr. Speaker, if the Liberals were investing in fighting sex trafficking, why did they allow the national action plan and its funding to expire a year ago? They had a whole year to get their plan in place, and now we are one of the only countries in the western world that does not have any strategy to combat human trafficking.

In 2011, the Conservatives were the first and only political party in Canadian history to make fighting human trafficking an election promise. Twelve months later, in 2012, the Conservatives fulfilled their promise and launched the four-year action plan to combat human trafficking. This plan included funding for survivors and law enforcement, and focused on four areas: protect, prosecute, prevent, and partnerships.

A year later, the Conservative government launched a special RCMP enforcement team to combat human trafficking and led initiatives to combat human trafficking at the UN.

It has been two years since the Liberals were elected, and there has been no action to combat human trafficking. Will the government commit to developing a new action plan to combat human trafficking and restore the support for victims of sex trafficking and law enforcement? Will the government work with the opposition to fight modern-day slavery together?

Adjournment Proceedings

•(1920)

Mr. Marco Mendicino: Mr. Speaker, I want to assure my colleague that we have been evaluating the national action plan to ensure that we can make Canada's efforts to combat human trafficking stronger and more effective.

As I outlined, that evaluation has been happening simultaneously with a comprehensive suite of measures both within Canada and internationally. Indeed, Canada continues to work with international partners and agencies, such as the United Nations Office on Drugs and Crime, the International Organization for Migration, and Interpol, among others, to fight against human trafficking and provide technical assistance and capacity-building, enabling the global effort to successfully address trafficking in persons. We also engage regularly with the United States and Mexico, through the Trilateral Working Group on Trafficking in Persons.

The fight against human trafficking, both at home and internationally, is a moral imperative that is the utmost importance to our government.

I would urge my hon. colleague, since he is sitting on this side of the House, to support this side of the House's important work on this important file.

The Deputy Speaker: The motion to adjourn the House is now 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 7:21 p.m.)

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