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Speaker: The Honourable Anthony Rota



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HOUSE OF COMMONS

Thursday, February 9, 2023

The House met at 10 a.m.

Prayer

ROUTINE PROCEEDINGS

• (1005)
[English]

COMMITTEES OF THE HOUSE

INTERNATIONAL TRADE

Hon. Judy A. Sgro (Humber River—Black Creek, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the fourth report of the Standing Committee on International Trade in relation to the motion adopted on Thursday, February 2, 2023, regarding prohibiting the importation of goods linked to the use of forced labour and developing a related strategy.

* * *

CRIMINAL CODE

Mr. Frank Caputo (Kamloops—Thompson—Cariboo, CPC) moved for leave to introduce Bill C-313, An Act to amend the Criminal Code (justification for detention in custody).

He said: Mr. Speaker, as every day, it is an honour to rise in the House today on behalf of the people of Kamloops—Thompson—Cariboo and Canadians at large. It is a further honour to be here to table my fourth private member's bill in the House.

This bill aims to address a serious problem when it comes to bail reform. It addresses people who are alleged to have possessed a firearm, while prohibited by the Criminal Code, during a serious gun offence. They would have a steeper hill to climb when it comes to bail if this bill is passed.

I urge Parliament to pass this bill expeditiously.

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

* * *

PETITIONS

SENIORS

Hon. Judy A. Sgro (Humber River—Black Creek, Lib.): Mr. Speaker, the current income tax system for seniors gives couples numerous ways to lower taxes while singles get none. Senior cou-

ples can split their pension income, thereby allowing them to pay less tax and qualify for the age amount tax credit and old age security with limited or no clawbacks.

The undersigned single members and other citizens of Canada call upon the Government of Canada to offer tax benefits to senior singles equal to those now in place for senior couples, which would include offering single seniors a reduction of 30% on their income to be taxed and allowing, upon death, single seniors with an RRSP, RRIF or TFSA to transfer it to the RRSP, RRIF or TFSA of a beneficiary of their choice.

EXPANDED POLYSTYRENE

Ms. Rachel Blaney (North Island—Powell River, NDP): Mr. Speaker, I have a petition from over 60 folks from Powell River who have a lot of concerns about foam from marine infrastructure, as it is an increasing source of pollution in Canada's beaches.

Expanded polystyrene is impossible to clean up from shorelines after it breaks down and has a high likelihood of entering the marine environment from damaged marine infrastructure, whether it is encased or not. The petitioners are asking for the government to prohibit the use of expanded polystyrene in the marine environment.

* * *

QUESTIONS ON THE ORDER PAPER

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[Translation]

BUSINESS OF SUPPLY

OPPOSITION MOTION—USE OF THE NOTWITHSTANDING CLAUSE

Mr. Yves-François Blanchet (Beloeil—Chambly, BQ) moved:

That the House remind the government that it is solely up to Quebec and the provinces to decide on the use of the notwithstanding clause.

Business of Supply

He said: Mr. Speaker, rest assured that I am excluding you from this argument, but I get the impression that Quebec does not have many friends in the House. This has been made particularly evident by what seems to be—and this may seem harsh—the Liberal government's descent into hell. The government is essentially the only one to blame, and it is useful in this context to revisit—and, again this may sound harsh—a recent debacle. I will let you be the judge of that. Speaking of judges, we will, once again, have to refer to the Supreme Court of Canada on this matter.

I have made a little list. Bill C-21 on gun control was a lesson in clumsy backtracking, an unruly fiasco and a retreat that was anything but strategic. There was not even a whiff of them admitting to an error—an implicit error—and no recognition of the fact that, indeed, one must consider the safety of civilians and women while also preserving the legitimate privileges of sport hunters.

One example is the electoral map. I remember going to the Gaspé region last summer, just a few days after the Prime Minister, when the first new version of the electoral map had been considered and the riding of my colleague from Avignon—La Mitis—Matane—Matapédia was disappearing. The Prime Minister was in the region and had not said a single word about the fact that the regions in Quebec were being weakened. There might even have been a threat regarding the expressed desire of the member for Gaspésie—Les Îles-de-la-Madeleine to keep the file. The Prime Minister, however, never said a word; again, the government is essentially its deputy minister.

There is Medicago, a company, a flagship in technology research that, due to a kind of negligence perpetuated over time and interventions that were often too late, risks seeing the achievements of Quebec engineering go to Japan, subject to the good will of Mitsubishi, which will certainly be a major loss for Quebec and Canada.

There is the acquisition of Resolute Forest Products by Paper Excellence, which is owned by Sinar Mas. That represents 25% of cutting rights in public forests in Quebec and does not qualify in the new Bill C-34, which does not even protect it. Good heavens, if that is not protected, what will Bill C-34 protect?

There are obviously the health transfers. That is really very interesting. Of everyone here, we see that only the Bloc Québécois is both speaking for Quebec and representing the provinces' common front. The Bloc Québécois is the only party to stand up for Yukon, Prince Edward Island, Nova Scotia and Alberta. We will wait for the thanks from the benches next to us. Only the Bloc Québécois is standing up for the will of the provinces, the territories and Quebec, while the others are being opportunistic or lazy. We will be told that what we are doing is a waste of time. It is not a waste of time; it is very revealing of how things work.

There is the McKinsey case. I do not have time to go through everything about McKinsey. There would be far too many secrets to be brought to light, like McKinsey and ethics, McKinsey and lobbying, McKinsey and defence, McKinsey and standing offers, and so on. McKinsey's former boss himself—who is surely not as naive as he tried to make us believe in committee—said that, if he had been the client, he would not have signed the contract that the Government of Canada signed. That is interesting. There is also McKin-

sey and immigration, as well as McKinsey and Century Initiative. One hundred million Canadians, how nice. That is quite a lot, given Quebec's inability to absorb, over time, in French and with our values, the number of immigrants that that requires. I asked Mr. Barton whether he had considered Quebec. They did not consider it at all. It was not even on their radar.

• (1010)

Based on the ignorance expressed, my word, I want to be the boss at McKinsey. He does not work that hard and says he does not know anything. Also, I suspect the pay is not too bad. McKinsey has a role to play in border management and, of course, in language and identity.

There is also the exploitation of Roxham Road. As my colleague from Lac-Saint-Jean mentioned, according to recent revelations, not only do we have criminal smugglers, we now have an all-inclusive package on offer, on both sides. A bus ticket is provided and migrants are openly and brazenly sent to Roxham Road. No one likes handcuffs. However, a brief moment of discomfort from being handcuffed is worth it for migrants, who are very happy to have reached Quebec; of course Quebec is paying the costs of welcoming them in a humane manner.

There is the appointment of Ms. Elghawaby. I will not repeat the whole speech and I do not want to make this personal. That said, it was clear that the government has an extraordinary ability to isolate and protect itself. If our homes were as well protected as the government, we would not need insulation.

Of course, there is also the referral of Quebec's secularism law to the Supreme Court of Canada in the hope of overturning it.

Beyond that, the divisiveness over Bill C-13 is quite dramatic. I would not want to invite myself to a Liberal caucus meeting, and I think its members would not like that either, but there must be some very passionate conversations within that caucus. It must be just as fascinating as the Conservatives' conversations about abortion. There may be a few little things that need to be resolved. For our part, everything is going very well. The federal government may also go to the Supreme Court over Bill 96, which deals with the French language.

We have now come to the motion on the notwithstanding clause, which may also go before the Supreme Court of Canada. I would like to speak about a very interesting aspect. In principle, Trudeau senior said that the will of Parliament had to ultimately prevail. That is why the 1982 Constitution, which we consider to be a despicable document, includes this principle of ensuring the primacy of the democracy of parliaments. Let us keep in mind that we have never signed on to that Constitution. We have been pointing that out for a few weeks now.

That was quickly tested. In 1988, the Ford decision established, on the one hand, that the use of the notwithstanding clause was legitimate and, on the other hand, that the role of the court was not to engage in pointless discussions, but to rule on the substance and wording of things.

Let us not forget that Mr. Lévesque firmly invoked and inserted the notwithstanding clause in all of the laws passed by Quebec's National Assembly. Many fits were had, but Canada survived.

It is important to understand the current government's legislative or judicial approach—or flight of fancy. By invoking federal documents such as the Canadian Charter of Rights and Freedoms and the Canadian Constitution, and by appointing new judges as old ones leave, the Prime Minister hopes to replace the decisions of the provincial legislatures and of the House of Commons with those of the Supreme Court of Canada in order to modify by interpretation the Canadian Constitution. As we said earlier, the Constitution is much more theirs than it is ours.

Having had the opportunity over time to appoint judges, the Prime Minister is confident that he has a Supreme Court of Canada whose constitution, pardon the pun, will be favourable to him. He wants to modify the Constitution by having it interpreted by judges he has appointed. This happens elsewhere in the world, and it is rarely an honourable procedure. A Parliament is always sovereign, otherwise any one Parliament could impose its will on another.

• (1015)

Quebec's National Assembly is sovereign in its choices and its votes. Quebec's Parliament is, in a word, national. Now, more than ever, Quebec's National Assembly needs the notwithstanding clause, which guarantees the prerogative and primacy of parliaments and elected members over the decisions of the courts. Courts are there only to interpret, despite the fact that we have learned, particularly over the course of Quebec history, that interpretations can, over time, and without casting stones, be nudged in a certain direction. We do not want government by judges, but government by elected members, government by the people.

As I said at the beginning, it is important to mention that the notwithstanding clause is the legacy of Pierre Elliott Trudeau. I remember a question period during which we were told that it was awful, that they were not against the notwithstanding clause but against its pre-emptive use.

Of course, as it is wont to do, it is when the government runs out of arguments that it starts spouting the worst nonsense. That was a good one. If the notwithstanding clause is not to be used pre-emptively, what is the point?

The notwithstanding clause is like a COVID-19 vaccine. People get vaccinated to avoid getting COVID-19, not after they get it. The notwithstanding clause protects Quebec's laws. We could say "the laws of Quebec and the provinces", but let us be clear: Aside from a recent notorious case in Ontario, the notwithstanding clause is mostly used in Quebec, particularly when it comes to national identity and jurisdiction, precisely so that we do not have to hear the courts say that we cannot apply our own legislation, that it is being challenged, and that we now have to use the notwithstanding clause to fix a situation that, in the meantime, has had a deleterious effect.

Clearly, that is not how we want to or even how we should use the notwithstanding clause. Too often, harm would be done, and the same courts would have to suspend the application of the law. The notwithstanding clause is a small piece of sovereignty. "Sovereignty" is a word that frightens people. Using it inspires strong feelings

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and cold sweats. Sovereignty, however, is merely exclusive jurisdiction held by any party. This Parliament claims sovereignty, except in the case of Chinese spy balloons.

It is essential to recognize that, by invoking the notwithstanding clause, a jurisdiction that is a parliament, which by definition is sovereign, is claiming a small part of its sovereignty in jurisdictions which, logically speaking, should be exclusive to it.

This logical relationship between identity, the fact that Quebec is a nation begrudgingly recognized by this Parliament in a very specific context on June 16, 2021, and the fact that Quebec is the one that must resort to this clause is because Quebec is a nation, and its parliament is a national Parliament. Allow me to say that, in my opinion, this is too little.

It is too little because, of course, we want Quebeckers—in their own time, obviously, but we will encourage them—to think about sovereignty as a whole, a nation with a single national Parliament, which, as Mr. Parizeau said, would collect all taxes—we are capable of doing this and we would be having an entirely different conversation about health transfers—vote for all laws applicable in Quebec, sign all treaties and honour all existing treaties, as necessary.

Usually, people do not think about being normal. It goes without saying. We embrace normality, we seek normality and we assume normality. Quebec just needs to think about it right now, and for some time, and observe how its national identity is treated in a Parliament that should at least be a good neighbour if it cannot be a good partner.

• (1020)

This remains an essential reflection, but given the current context, it may no longer hold tomorrow or the next day. The game of cat and mouse, the jurisdictional stonewalling, the encroachments, the interference are anything but progress, efficiency or instruments for the greater good.

Until that necessarily deeper reflection occurs, we certainly need, in this Parliament, to solicit the good faith of colleagues and elected officials in recognizing that Quebec and the provinces have a legitimate right to use the notwithstanding clause. We are not requesting a change to the way things are done. We are asking that it be acknowledged. We simply wish to state the truth and are calling on Parliament to say that it does indeed reflect reality.

Voting against this truth would be akin to challenging the Canadian Constitution itself. This temptation was evident in the Prime Minister's comments. That raised some eyebrows, given the legacy. We are calling on the House to recognize a literal truth, if only out of respect.

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In the meantime, and regardless of today's vote, the Quebec nation and its representatives have only one true friend in this place. Only one political party raises the issues of language, identity, immigration, health care funding and the preservation of the notwithstanding clause in this House. Its members have just as much legitimacy as those of every other party. They are the members of the Bloc Québécois. The Bloc Québécois is proud to stand once again, without compromise, but with a sense of responsibility and with courage, to raise, defend and promote the interests of Quebec, which we hope will accomplish even more.

• (1025)

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Mr. Speaker, after reading the motion, I think I found an omission. The Bloc Québécois seems to have forgotten that the Parliament of Canada can also invoke the notwithstanding clause. It has never done so. I find it difficult to imagine a situation in which we would invoke that clause.

My question for the leader of the Bloc Québécois is this: Should his motion be corrected?

Mr. Yves-François Blanchet: Mr. Speaker, the driver cannot really complain about the route that is taken. Members of the federal government hold more keys to the Constitution and the back rooms of the Supreme Court than Quebec sovereignists or the provinces and territories.

It would be surprising if the federal Parliament were to make use of a constitutional provision that serves to protect it from itself. History being what it is and future prospects being what they are, it is understandable that that did not seem realistic to us.

Mr. John Brassard (Barrie—Innisfil, CPC): Mr. Speaker, it is interesting to hear what the leader of the Bloc Québécois is saying this morning. His diatribe against the Prime Minister and the Liberal government is interesting. The government has failed in many respects, and the Prime Minister has sown division throughout Canada by pitting Canadians against Canadians and Quebecers against Quebecers. A total of 63% of Canadians, including Quebecers, think that Canada is broken after eight years under this Prime Minister.

Does the leader of the Bloc Québécois think that the Prime Minister is trying to create a crisis in the country to divert attention away from his failures?

Mr. Yves-François Blanchet: Mr. Speaker, I would be surprised if he was not tempted to do so.

Sometimes in politics, I think people have a nasty habit of exploiting crises or difficult situations to serve their own ends. This time, he had a lucky escape.

There are so many crises, issues, failures, boondoggles and comedies of errors going on that he cannot turn them to his advantage in the short term. I would be surprised to hear anyone say that the government is on top of things.

If he really was hoping to exploit these crises, it seems like we can add that to his list of numerous failures.

• (1030)

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, before asking my colleague a question, I would like to remind him of two things.

First, he does not have a monopoly on speaking for the Quebec nation. Fortunately, that honour is shared by many of my colleagues in the House. Second, I hope that he also shares the vision of the French philosopher Camus, who reminded us that democracy is not the law of the majority, but the protection of the minority. I am sure that his colleague from Jonquière reminds him of that from time to time.

With respect to invoking the notwithstanding clause, there have been several cases of misuse in recent years. We saw that in Saskatchewan and Ontario recently. The government attacked the unions and workers' rights by pre-emptively and inappropriately invoking the notwithstanding clause.

Does my colleague agree with me that, as progressives, our first duty is to set guidelines for the use of the notwithstanding clause in order to prevent attacks on workers' right to freedom of association and to collective bargaining?

Mr. Yves-François Blanchet: Mr. Speaker, there was a self-congratulatory tone to my esteemed colleague's comments.

I can see why he feels a need to defend the minority, because he is the only Quebecker in his party, as opposed to 32 members of the Bloc Québécois. All things being equal, and since everyone's voice deserves to be heard, we certainly do not speak less for Quebec than he does, so we will not remain quiet. I do not think that he remains quiet or hesitates to say what he thinks just because there are 32 members who do not agree with him. The opposite will certainly not happen.

The Constitution is intended to provide guidelines for institutions, not to pre-emptively judge how it will be used. In his role as the member for Rosemont—La Petite-Patrie, our colleague finds himself in a position where he must serve a group of NDP members who are chronically ignorant about Quebec. He is therefore forced to defend things that we, and many other Quebeckers, find indefensible.

It is his judgment against that of the people who will vote when called upon.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, in his speech, my colleague suggested thanking the members of the House.

I thank him because he is the first member of the House to mention the threat against our forestry industry, Paper Excellence. This is the first time I have heard anyone talk about this company, which is owned by an Indonesian billionaire and has bought Resolute Forest Products, Domtar Corporation and others such as Catalyst Paper Corporation in my province of British Columbia. This huge company has purchased several pulp and paper companies, but not a single word has been said about it here except by my dear colleague from the Bloc Québécois.

Mr. Yves-François Blanchet: Mr. Speaker, I will share that acknowledgement with my colleague from Jonquière. We have raised the issue several times since that transaction, initially in private with the minister responsible.

Notwithstanding the harmful effects of the transaction, if this had been an oil company, it would only have taken two shakes of a lamb's tail for Canada to stand up, invoke national security and block the transaction. In this case, however, it is only wood, it is only the forest, and it is only in Quebec, so they do not care.

If Bill C-34 is any good, then it should cover the transaction that is shielding Sinar Mas and forced Uighur labour.

• (1035)

Mrs. Julie Vignola (Beauport—Limoilou, BQ): Mr. Speaker, the notwithstanding clause has been used many times, in particular with respect to the agricultural succession act, the Employment Equity Act, small claims court and the youth court, without anyone having thought to ask the Supreme Court to rule on the notwithstanding clause. Turning to the Supreme Court becomes an option when Quebec wants to defend its culture, its differences, its nation and its values.

Is that not highly discriminatory? I would like my colleague to speak to that.

Mr. Yves-François Blanchet: Mr. Speaker, the difference is that I do not read planted questions in advance, but that is another debate.

Since 1982, no other Canadian government has been so intent on interfering in and encroaching on Quebec's responsibilities, especially with regard to language, values and identity. These regular and disrespectful attacks involve litigation, appointments that at a minimum are dubious, the weaponization of political issues and this bad habit of repeating the opposite of the truth.

Quebec keeps having to tell them, to put it succinctly, to mind their own business.

Ms. Rachel Bendayan (Parliamentary Secretary to the Minister of Tourism and Associate Minister of Finance, Lib.): Mr. Speaker, I must admit that I am a little surprised to see a Bloc Québécois motion that defends our Canadian Constitution so strenuously.

Given my colleague's speech, does the leader of the Bloc Québécois agree with me on the legitimacy of our 1982 Canadian Constitution?

Mr. Yves-François Blanchet: Mr. Speaker, can I have another 20 minutes?

Even I was still young in 1982, which is when the Constitution was imposed, shoved down the throats of Quebeckers and the René Lévesque government, after the common front shown by the provinces broke down on several issues, as it would do later on.

No, there is no legitimacy whatsoever. The notwithstanding clause is the only part of the Constitution that does anything to help preserve who we are and who we have a right to be.

Ms. Rachel Bendayan (Parliamentary Secretary to the Minister of Tourism and Associate Minister of Finance, Lib.): Mr.

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Speaker, I am pleased to share my time with my hon. colleague, the member for Lac-Saint-Louis.

The Canadian Charter of Rights and Freedoms is a fundamental constitutional document. It protects the rights and freedoms of everyone in Canada, including Quebeckers. This document is one of the cornerstones of our society. Since it was adopted in 1982, it has demonstrated its flexibility and ability to adapt.

Our charter has inspired many other countries—

Some hon. members: Oh, oh!

The Deputy Speaker: Order.

The hon. parliamentary secretary.

Ms. Rachel Bendayan: Mr. Speaker, I get the sense that the Bloc Québécois members did not like the question I asked their leader. I will continue my speech.

Our charter also inspired many other countries around the world, who drafted their own similar constitutions. I am proud that, as a society, we decided to adopt this instrument 40 years ago.

Section 33 of the charter, better known as the notwithstanding clause, made a political compromise possible among the disparate entities that made up Canada at the time of its adoption. Section 33 authorizes Parliament or the legislature of a province to derogate from certain sections of the charter, namely those protecting fundamental freedoms, legal rights and equality rights. Simply put, it is a tool that allows governments to short-circuit charter protections.

What is clear is that legislation that invokes the notwithstanding clause is violating fundamental rights. Using the notwithstanding clause is allowed, of course, even though the intention was always for it to be used rarely and in exceptional cases.

However, in my opinion, the pre-emptive use of the clause is very problematic. By pre-emptively invoking the notwithstanding clause, a government is basically saying that it knows it is violating Canadians' fundamental rights but that it is going to go ahead anyway, without giving the courts a chance to weigh in.

• (1040)

[*English*]

Let us be clear. By pre-emptively invoking the notwithstanding clause, a government is saying that it knows it is violating Canadians' fundamental rights and freedoms, that it knows it is doing so but that it is going ahead anyway, without giving the courts a chance to weigh in.

The Prime Minister, our Minister of Justice and other members of cabinet have been clear that our government is concerned with the pre-emptive invocation of the notwithstanding clause, and our federal government is firmly committed to defending the rights and freedoms protected by our charter.

Business of Supply

This charter is an expression of some of the most fundamental values of Canadian society. It guarantees our rights and freedoms. I dare say that it represents what it is to be Canadian. These rights and freedoms are the very foundation of our country and of our democracy. However, even with these crucial rights, the charter recognizes that they are not absolute, and that is why section 1 exists.

Section 1 of the charter provides a workable, pragmatic framework for balancing different rights and freedoms, and it is there because sometimes a government can justify limiting constitutional rights and freedoms. Through decades and decades of jurisprudence, Parliament and provincial legislatures have been engaged in this ongoing dialogue with our courts.

The pre-emptive use of the notwithstanding clause ends that dialogue. It short-circuits the dialogue that is necessary to ensure that our charter is functioning as it should.

[*Translation*]

Our constitutional tradition is one marked by dialogue, mainly between the legislator and the courts. The pre-emptive use of the notwithstanding clause limits that dialogue by limiting legal debate.

When the notwithstanding clause is used pre-emptively, this dialogue and debate become mainly theoretical, because the courts are not given the opportunity to order remedies.

It is also important to remember that a strong, independent judiciary is the cornerstone of a healthy democracy. The pre-emptive use of the notwithstanding clause limits the work of our courts, which cannot fully assume their role under our Constitution.

[*English*]

Between 2001 and 2017, section 33 was never invoked. The political norm of rare use seemed to prevail and the notwithstanding clause was treated as an exceptional measure.

Since 2017, however, there has been a huge rise in provinces invoking the notwithstanding clause to pre-emptively shield their legislation. This has happened in Ontario, Quebec, New Brunswick and there have been threats of its use in Saskatchewan.

What is lost in a pre-emptive use of the notwithstanding clause? Transparency, engagement and accountability. The charter was not intended to save a government from these requirements. On the contrary, the imperative to justify limitations on rights and freedoms serves these very purposes. Proper use of the notwithstanding clause may be consistent with them, but pre-emptive use is contrary to the values that the charter was designed to protect.

[*Translation*]

In the past, the notwithstanding clause was treated as an exceptional measure, but its use is becoming more frequent. I repeat that, although the use of the notwithstanding clause is legal, it is not something that should be taken lightly, because it has the effect of suspending legal protections guaranteed by the Quebec and Canadian charters of rights and freedoms.

I believe that a government that uses a remedy of this magnitude must set out the exceptional circumstances that justify the suspension of these legal protections.

In closing, I want to point out that all members of the House should consider themselves very lucky to be Canadians and to be able to rely on the rights recognized in the Canadian Charter of Rights and Freedoms. It is up to all of us in the House to protect those rights.

• (1045)

[*English*]

Mr. Arnold Viersen (Peace River—Westlock, CPC): Mr. Speaker, my hon. colleague across the way noted that the notwithstanding clause was not used very often until 2017 and onward. I would note that over the past eight years our country has felt broken. We have Roxham Road, inflation is running out of control, a whole host of issues are going on.

The Prime Minister has divided the country more than ever. Perhaps the use of the notwithstanding clause has crept up given the actions of the current Prime Minister. Would the member not concede that the Prime Minister has been the most divisive prime minister in Canadian history?

Ms. Rachel Bendayan: Mr. Speaker, I am not sure that the comment of my colleague is relevant to the debate of today, but allow me to say that provincial premiers across the country make their own decisions about when to invoke the notwithstanding clause. It certainly is up to us in this chamber to ensure the protection of the rights and freedoms of Canadians. I find it surprising that the Conservative Party does not appear concerned with the freedoms of Canadians. It is something about which the government is concerned.

[*Translation*]

Mr. Yves Perron (Berthier—Maskinongé, BQ): Mr. Speaker, does my colleague not think that using the notwithstanding clause pre-emptively will save many years of unnecessary litigation to reach the same conclusion further down the road? Would she not agree that our position is actually quite reasonable?

What we are asking Parliament to do is simple. We are asking it to at least respect what is set out in the contract that it shoved down our throats in 1982.

Ms. Rachel Bendayan: Mr. Speaker, as I have said many times, of course the notwithstanding clause can be used, but when it is used pre-emptively, that does not allow the courts and legislators to have the dialogue that is necessary in a free and democratic society.

My colleague appears to be defending clauses in the Constitution while at the same time challenging its legitimacy. He needs to take a position. Either he supports the Constitution or he does not.

The Bloc Québécois cannot have it both ways.

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[English]

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, this is an important discussion, because either we have a charter that protects the rights of citizens or we do not. What we have seen is the willingness of provincial governments to pre-emptively use the notwithstanding clause to target workers and religious minorities and to justify unconstitutional laws, which is deeply concerning. That strips the fundamental rights of citizens and their ability to challenge the provincial governments when they abuse those rights.

In watching the outrageous use of this clause, it concerns me that the federal government has sat on the sidelines and told citizens to defend themselves. Is the federal government going to stand up for the principle of the charter or is the charter just some paper document that can be used, annulled or ignored depending on whatever government is in power in the provinces?

● (1050)

Ms. Rachel Bendayan: Mr. Speaker, I share my colleague's concern with the rise in provinces across the country pre-emptively using the notwithstanding clause. To his question, it has been successive Liberal governments over the years that have stood up for our charter, that have stood for Canadians' rights and freedoms, and we will continue to do that.

[Translation]

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Mr. Speaker, I would like to start by talking about this big, beautiful country we call Canada, a country blessed with a diverse abundance of riches that make us the envy of the world.

Take hydroelectricity from Quebec, for example. It not only meets our energy needs and heats our homes, but it also supplies energy to our neighbours in Ontario and New York State, in the U.S. We also grow wheat and other crops that help feed our planet. We even produce oil that is used to manufacture medical supplies and that continues to heat our homes during our transition to a cleaner, greener economy. Lastly, our waterways nourish our ecosystems and serve as transportation routes for our resources and our intermediate and finished products headed for markets in North America and overseas.

However, a country's real strength lies in its citizens' values. Here in Canada, Canadians, including Quebecers, value community spirit and co-operation. They also espouse democratic values. These values translate to, among other things, a profound attachment to the Canadian Charter of Rights and Freedoms and the Canadian Constitution. Whether in British Columbia, Prince Edward Island, Quebec or Ontario, Canadians across the country are tenacious about asserting their rights and freedoms, regardless of what governments may do from time to time.

Consider, for example, the late Nicole Gladu, who invoked the Canadian Charter of Rights and Freedoms and the Canadian Constitution to assert her right to medical assistance in dying. I must point out that it was a Quebec court that granted her that right under the charter. I believe that we should thank and honour Pierre Elliott Trudeau for his decision to devote his political life to patriating the Constitution and adding the charter, which is one of the most modern laws in the world, in that it recognizes community interests.

The charter also includes a notwithstanding clause. It should be noted that this clause cannot be used to violate the rights of official language minorities. I want to stress that point because many people often forget that this notwithstanding clause cannot violate every right, because some are guaranteed by the charter and the Constitution Act, 1982.

Since being elected, and even before that, I have never been in favour of invoking the notwithstanding clause, which, by the way, Parliament can do under the Constitution. People seem to forget that. This clause exists and it has a clear objective, namely to allow the federal government or a provincial government to take the time to consider and adjust to a court decision that would invalidate one of its laws in whole or in part. Its application is time-limited, so it is not a blank cheque nor open season. In fact, the use of this notwithstanding clause has to be renewed every five years.

● (1055)

There are several aspects of this clause that we could view as democratic. For example, it is not quite the final word, because the clause must be re-invoked every five years. It allows a legislature to temporarily derogate from a court decision.

Obviously, this matter is open to debate, but, in my opinion, the notwithstanding clause was intended to allow courts to render judgments and provide opinions based on our legal system's judicial traditions. Moreover, the notwithstanding clause was intended to create a requirement to have an open political debate every five years on the merits of using the notwithstanding clause.

In both of the cases that are before the court right now, namely Bills 96 and 21, the Legault government in Quebec used the clause pre-emptively. This pulled the rug right out from under the court. In fact, the court's hands are tied. It cannot do anything. We know that, in the case of Bill 21, the Superior Court of Quebec discussed some aspects of the bill that impede certain rights. However, it admitted that it could not do anything because of the notwithstanding clause.

What is problematic about the pre-emptive use of the notwithstanding clause is that not only are the court's hands tied, but we cannot have a full debate on the use of the clause, a debate in a legislative assembly in front of the cameras, a debate whose every detail could followed by our media. I find that extremely problematic, and it adds an anti-democratic element to a provision that is undeniably democratic and perfectly legal.

Business of Supply

When governments use this provision pre-emptively, whether it is New Brunswick, Ontario, Quebec or any other province, one question comes to mind: What are those governments afraid of? Are they afraid of their legal experts, their courts or their citizens? Are they afraid that their citizens might watch the debate on a measure that will take away their rights and that they will change their minds about the measure that the government has put in place with its law? Are these governments afraid of both the lawyers and the public?

I will stop there, and I am ready to answer questions.

• (1100)

[English]

Mr. John Brassard (Barrie—Innisfil, CPC): Mr. Speaker, I listened intently to the hon. member's speech this morning. One of the things he talked about early on is the need for energy. What we have seen with the government is an attack on the natural resource sector and the energy sector. We saw the German chancellor and the Japanese prime minister come to Canada on bended knees seeking LNG, yet the Prime Minister just shooed them away like they were nothing. There is a real demand in this world for clean Canadian energy.

Yes, I understand there is a transition going on and we are a long way from there, but why would the Prime Minister simply toss his hand at this other prime minister and chancellor when they came here demanding clean Canadian energy?

Mr. Francis Scarpaleggia: Mr. Speaker, I am a bit mystified. We are talking about a very solemn issue, the rights and freedoms of Canadians, and how those rights and freedoms can be maintained within a democratic framework, which includes the potential use of the notwithstanding clause, yet the member is bringing in a discussion about economic interests. I do not see the relevance.

[Translation]

Mr. Martin Champoux (Drummond, BQ): Mr. Speaker, I thank our colleague for his speech. It is interesting to hear our Liberal colleagues talk about how they see the notwithstanding clause and what they think of it, but it is kind of pointless because the Supreme Court has already ruled on the matter a number of times, including in Ford in 1988, when it said the National Assembly has complete freedom to put the notwithstanding clause in any law it passes if it wants to. It can do so pre-emptively without waiting for a court to overturn the law first.

Supreme Court decisions always run a bit long, so I will leave it at those two statements in the 1988 Supreme Court ruling in Ford.

Does my colleague think his opinion and his government's opinion take precedence over a Supreme Court decision? Could we not just go with what the highest court in the land has already decided?

Mr. Francis Scarpaleggia: Mr. Speaker, that is a good question, and I appreciate it. However, we know that the court's decisions evolve over time, depending on the circumstances and how society has changed.

Of course, I respect the Supreme Court's decisions. As I said in my speech, I have never supported the use of the notwithstanding

clause by this Parliament. I respect the views of the court, but I would like to hear more from my colleague on this matter.

Ms. Rachel Bendayan (Parliamentary Secretary to the Minister of Tourism and Associate Minister of Finance, Lib.): Mr. Speaker, from what I understand, my colleague from Lac-Saint-Louis is telling us that the notwithstanding clause is legal, that we are aware that it can be used, but that the pre-emptive use of the notwithstanding clause is problematic.

I would like my colleague to tell us about the comments and concerns he is hearing from his constituents in Lac-Saint-Louis so that we can justify our comments today on the Bloc Québécois motion.

Mr. Francis Scarpaleggia: Mr. Speaker, I want to thank my hon. colleague for her question. I think it basically goes without saying that many of my constituents are very concerned about what seems to be an increasingly common use of this provision as a preventive measure. It is indeed an issue of concern in my riding.

Mr. Pierre Paul-Hus (Charlesbourg—Haute-Saint-Charles, CPC): Mr. Speaker, I will be sharing my time with the member for Perth—Wellington.

After eight years of the Prime Minister's dismal governance, he is now trying to turn attention away from his record, the cost of living crisis of his own making, the highest spikes in inflation in 40 years and the doubling of the price of rent and the cost of mortgages. He wants to turn Canadians' attention away from the record use of food banks, the record credit card debt and the fact that he tripled the carbon tax. He wants Canadians to forget that violent crimes have increased by 32%, that gang-related homicides have increased by 92%, that he has close ties to lobbyists who cost a fortune and that he has violated ethics rules.

The Prime Minister is trying once again to sow division in Canada. He is also trying to create a fake constitutional crisis. That is his latest attempt at dividing people and turning attention away from his failures.

The Bloc Québécois has no solutions for Quebec's real problems. On June 15, 1991, more than 30 years ago, in protest at the failure of the Meech Lake accord, Lucien Bouchard and a few other MPs founded the Bloc Québécois for a "temporary" period. Would I have been part of that group? Perhaps. However, the temporary Bloc Québécois of 1991 in no way resembles the Bloc Québécois of 2023. In any case, this was not what Lucien Bouchard intended at the time.

Today, we understand why the Bloc Québécois, like the Liberal Party of Canada, is completely out of touch with the reality of Quebec residents. It is using a full day, an opposition day, to talk about the Constitution, when there are so many other matters that are more important to Quebecers.

As the Quebec lieutenant for the Conservative Party of Canada, I am trying to understand where the Bloc Québécois is going with its sometimes nebulous strategies. I want to make it clear that I am not criticizing the duly elected members, but rather the political party, which only cares about Quebec sovereignty and which, despite the rhetorical flourishes of its leader, has only one thing in mind: to bring down the Canadian federation.

Business of Supply

This is why I question its strategic decision to devote a full day of debate to a subject that does not interest Quebecers: the Canadian Constitution. Are there no topics that are more important to Quebecers nowadays?

Despite its grand patriotic speeches, I sense that the Bloc Québécois is only focused on the Liberal government and its leftist agenda.

In the last eight years, we have seen a disoriented Bloc Québécois trying to score political points on various issues, but the people of Quebec expect their federal members of the House to work for them.

Article 070 of the main proposal prepared for the Bloc Québécois' upcoming national convention in May states: "We have the right to make mistakes, rethink our positions and change our minds". That being the case, it should take this opportunity to course correct.

I can think of several examples of questionable choices made by the Bloc Québécois. Was it a good idea to support the Liberal government's Bill C-5, the infamous bill that allows street thugs to avoid prison time and sex offenders to serve their sentence at home instead of in jail where they belong? Was it a good idea to vote with the Liberal government in favour of Bill C-75, which allows the worst criminals to be released on bail when they are still a threat to society? Was it a good idea to punish hunters and indigenous people by supporting the Liberals' Bill C-21?

The Bloc has a very leftist agenda. It is the Liberal government' best ally. Are Quebecers aware of that?

I hear members laughing. They can go ahead and laugh all they like, but facts are facts.

When Lucien Bouchard formed the Bloc Québécois, he clearly indicated that the party was meant to be a temporary measure. Over 30 years later, we are really seeing the wear and tear. Paragraph 018 of the Bloc Québécois's main position paper states, and I quote, "We, like the vast majority of Quebecers, naturally think of the Quebec National Assembly when we talk about our government." We see here a party that is still trying to find itself.

This political party claims to support the Quebec National Assembly and the Government of Quebec. However, during the most recent Quebec election campaign, the Bloc Québécois put all of its energy and resources into supporting the Parti Québécois and working against Coalition Avenir Québec, the party that won the election by a landslide and now forms the government. How can the Bloc claim to be an ally of the Quebec government when its objective is to get PQ members elected? Also, how can it be recognized as an effective voice for Quebec when it only managed to get three PQ members elected?

• (1105)

An hon. member: Not enough to play cards.

Mr. Pierre Paul-Hus: Mr. Speaker, that is very true.

At paragraph 018 of the Bloc's main position paper, we read the following: "We are opposed to censorship, cancel culture, intimidation, humiliation and people's courts that take over for the justice

system, especially on social networks and under the cover of anonymity. We subscribe to open conversation and a society based on the rule of law."

Bill C-11, An Act to amend the Broadcasting Act, will come back to the House of Commons after being amended by the Senate. Conservative senators did all they could to have the amendments adopted in order to prevent the CRTC, or the Canadian Radio-television and Telecommunications Commission, from having excessive control over algorithms because of an authoritarian government having decided to impose certain rules. With respect to Bill C-11, Conservative senators did everything they could to prevent any government from exercising additional powers to control algorithms for any digital environment. Independent Liberal senators refused. The bill will be sent back to the House.

The Bloc Québécois supports Bill C-11. This bill does contain some positive aspects, but there are also some very harmful elements that we must absolutely oppose. Once again, I do not understand why the Bloc is supporting the Liberals on a bill that will result in more federal control over what Quebecers can listen to and watch online. Is this consistent with the Bloc Québécois's original mission in 1991? I do not think so.

What we have here is a disconnected party, a leftist sovereignist party, walking hand in hand with the Liberals. It is unbelievable. The Conservatives, meanwhile, will work to fight inflation, repeal the carbon tax, end government waste and get rid of expensive consultants. The Liberals are creating division, but I have to agree with the Minister of Canadian Heritage who often says that the Bloc just wants to pick a fight.

Bloc Québécois members are very condescending. Unfortunately for them, they do not have a monopoly on the truth when it comes to Quebecers. On our side, we want to work to enhance unity and respect among all Canadians, and that includes all Quebecers.

• (1110)

[English]

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, we signed off on the Charter of Rights and Freedoms and brought the Canadian Constitution home back in 1982. I cannot imagine that, at the time, Pierre Elliott Trudeau and Jean Chrétien envisioned, for example, the Province of Ontario using the notwithstanding clause in a pre-emptive way to put limits on labour. As we go through the debate today, it is important just to recognize how, in recent years, some provinces seem to use the clause as a pre-emptive measure. I think a great majority of Canadians would disagree with that kind of usage. Could my colleague provide his thoughts on governments, whether national or provincial, taking advantage of that clause and using it in a pre-emptive way?

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[Translation]

Mr. Pierre Paul-Hus: Mr. Speaker, I thank my colleague for his question.

Speaking of Pierre Elliott Trudeau, I think he would be a bit disappointed to see the way his son is running the country today. That said, when we talk about using the notwithstanding clause, be it pre-emptively or reactively, the fact remains that its usefulness is clear. I believe that when the Prime Minister spoke of using the notwithstanding clause, it was just another way to divide Canadians, derail debate and create a diversion so people would forget the current economic problems and the way he has been running the country for the past eight years.

Mr. Martin Champoux (Drummond, BQ): Mr. Speaker, I want to respond to the speech by my colleague from Charlesbourg—Haute-Saint-Charles. Let me just say I have no problem with him having an opinion about the subjects the Bloc Québécois brings up on its opposition days. His opinion is fine, but it does not actually matter.

Personally, I find the motion we put forward for debate today much more interesting than calling for the cancellation of the carbon tax seven times and being shot down every time. People have to listen too. There was something else about his speech that I found pretty special: the way he likened the Bloc to the Liberals.

The member talked about Bill C-11, and that got my attention. The Bloc Québécois will always defend Quebec's interests above all else, regardless of who is with us or against us in doing so. In this case, our position is slightly more in line with that of the Liberals than that of the Conservatives, who are spewing all kinds of lies and misinformation to scare people about Bill C-11. To be clear, the purpose of the bill is to defend Quebec's interests and Québécois and francophone culture in Quebec and Canada.

Today, we are talking about the notwithstanding clause. I would like to know if my colleague agrees that Quebec and the provinces should be the ones to decide whether or not to use the notwithstanding clause, which is one of their prerogatives.

• (1115)

Mr. Pierre Paul-Hus: Mr. Speaker, typically, I think our answers are supposed to be as long as the questions, which means that I am going to be making another speech given how long my colleague's question was.

First of all, I could respond to the member for Drummond that his question does not matter to me one bit either, but I will try to be a little more polite than he is on that front.

As I said in my speech, it is clear that the Bloc Québécois wants sovereignty; it is a left-wing party that supports the Parti Québécois. There is no denying it.

The Government of Quebec is not the Parti Québécois. The Bloc Québécois does not have the sole authority to speak for all Quebecers. That is patently untrue. I am a Quebecker and proud of it, as are my Conservative colleagues and even several Liberal members. We are all Quebeckers and we all speak for Quebec.

When I make connections between Bloc Québécois positions, I look at their platform and I look at the state of affairs, such as

bills C-5, C-75 and C-21. I could go on and name more, but I do not have enough time.

[English]

Mr. Earl Dreeshen (Red Deer—Mountain View, CPC): Mr. Speaker, I certainly enjoyed the speech from the hon. member. I remember going on international trade missions with the Bloc Québécois back in 2008. Their theory then was one of “I love Canada, I love Quebec; two great countries. Let's move forward”. At that point in time it was made up of the full spectrum from Marxist–Leninists to entrepreneurs.

Now those in the Bloc Québécois look at what is happening with the Liberal Party and how it has torn apart the fabric of this country. Their mantra is simply “See, Canada is broken. There's no way that we can be here”. That is why they want to be away from this country.

I know that the member had spoken about the spectrum of the Bloc Québécois over a number of years. Could he comment on this?

[Translation]

Mr. Pierre Paul-Hus: Mr. Speaker, as I said in my speech, we lived through different times, a different era, with the Bloc Québécois; today, it is a different situation.

It is a very left-wing party that all too often supports the positions of the Liberal Party of Canada, which seeks to divide Canadians. The Bloc Québécois is taking advantage of this situation to separate Quebec from Canada.

The Conservative Party wants to work on unity despite our differences and to ensure that our country stays together. Yes, we are different. One of the first things I learned upon my election to the House in 2015 was how different life is for my colleagues from the other Canadian provinces. My thought as a Quebecker was that we have our reality, everyone else has theirs, so let us work together on unity.

[English]

Mr. John Nater (Perth—Wellington, CPC): Mr. Speaker, it is indeed an honour and privilege to rise in this House once again and contribute to the debate on today's opposition day motion.

I want to begin by talking a little bit about where we are right now in this country. Sadly, we see reports that 67% of Canadians feel that Canada is broken. The challenge is that after eight years of the Liberal government and Prime Minister, we are seeing motions like this, trying to stoke constitutional crises rather than bringing our country together. After eight years of the Liberal government's failures, we are left with the Liberals trying to stoke fears and divisions in this country rather than focusing on the issues that matter to Canadians, to the constituents of important communities such as Perth—Wellington, Oshawa or Cypress Hills—Grasslands. There, they are concerned about the rising cost of living with 40-year-high inflation.

When Conservatives have a chance in this House to debate, we raise these issues. Just this week we had an opportunity for all members to pronounce themselves on the carbon tax. What happened? Every other party voted no. They voted against giving Canadians a break. They voted against lowering the cost for Canadians of buying groceries, heating their homes and putting gas in their cars so they can take their kids to school and go to work each and every day, along with issues that we think are important, such as bail reform.

Sadly, in this country, in the past year we saw five brave police officers killed in the line of duty. Back in December we saw a police officer in Haldimand—Norfolk killed in the line of duty by an individual who was out on bail. All 13 provincial premiers have called on the government for bail reform. When this House had its opportunity to pronounce itself on bail reform on Monday on our Conservative opposition day—

• (1120)

The Deputy Speaker: On a point of order, the hon. parliamentary secretary to the government House leader.

Mr. Kevin Lamoureux: Mr. Speaker, I am raising the issue of relevance. We are debating the notwithstanding clause, the Constitution and the Charter of Rights and Freedoms. There is all sorts of room in which the member could provide comment on that. I do not think the member has been even remotely relevant, unless he is suggesting that we use the notwithstanding clause for bail.

The Deputy Speaker: On the same point of order, the hon. member for Barrie—Innisfil.

Mr. John Brassard: Mr. Speaker, just because the member does not like what the hon. member is talking about, that does not mean he gets to rise on a point of order. It has to do with the Standing Orders and rules, and I know that you, Mr. Speaker, will rule appropriately.

The Deputy Speaker: I appreciate the interventions. We do give a lot of latitude on bringing people back to the topic at hand, and I am sure the hon. member for Perth—Wellington will find his way there.

The hon. member for Perth—Wellington.

Mr. John Nater: Mr. Speaker, notwithstanding the fact that the member of the Liberal Party does not like what I am talking about, the fact remains that we are here on an opposition day motion debating a constitutional issue when there are so many other issues that Canadians care about. If the member wants me to talk more about the Constitution and the history of our Constitution, and how we got to the point where we are, I am happy to do that, but I would need his unanimous consent to give me a full hour and a half so that I can debate it in the House in full and at extensive length.

However, I will go back to where we are as a country and why we are seeing constitutional divisions being stoked, and why we are seeing issues like this being brought forward in the House of Commons. It is not because Canadians are happy with the status quo; it is quite the contrary. Canadians are concerned about where their country is going when we see violent crime up 32%, and gang-related homicide up 92%. We are seeing highly connected Liberal lobbyists getting rich while everyday, normal Canadians are dealing

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with 40-year-high inflation and a tripling of the carbon tax. That is the problem we see here in Canada.

Let us talk about where Conservatives stand on the rights and freedoms of Canadians. The Conservative Party has always been a champion of the rights and freedoms of Canadians. We need to look no further than the late, great John Diefenbaker, who had that famous quotation: “Parliament is more than procedure—it is the custodian of the nation’s freedom.” It falls to us as parliamentarians to stand and defend the rights and privileges of Canadians. Let us remind ourselves that when John Diefenbaker brought in the Canadian Bill of Rights, the Liberal Party members were reluctant supporters of it.

If we think back to the late Jack Pickersgill, he was indeed a fervent adversary of John Diefenbaker. Diefenbaker once said, “Parliament, without Pickersgill, would be like hell without the devil.” However, if we reflect on Pickersgill’s comments at the time and read one of his quotations, the Liberal Party in fact had to be dragged kicking and screaming to support Diefenbaker’s Bill of Rights. In fact, he said, “Human rights, I believed, are likely to be protected more effectively by an elected Parliament than by appointed judges. Despite the misgivings of a few members, we decided in the Liberal caucus we could not afford politically to oppose the principle of a Bill of Rights.”

Let us not let the Liberals have a monopoly on protecting the rights and privileges of Canadians. We on the Conservative benches have always stood for the rights and freedoms of Canadians.

In fact, our founding principles as a country have recognized the freedoms of Canadians. The freedoms of Canadians did not magically appear in 1982. We were not all of a sudden granted the rights, freedoms and privileges of Canadians magically on that spring day in 1982. We come from a long evolution of constitutional principles in our country, beginning with the Magna Carta and stretching to the current day.

When we are talking about the motion before us, when we are talking about the divisions that are being stoked, let us remember where we stand as parliamentarians. We stand in this place on behalf of all citizens, on behalf of all Canadians in this country as part of a unified country, recognizing that there are differences within our country.

Let us not forget that it was under the leadership of Prime Minister Stephen Harper that it was recognized, by a motion in this place, that the Québécois form a nation within a united Canada, recognizing that special history, that special, unique culture the Québécois bring to our country, and celebrating that culture, but nonetheless recognizing and reaffirming that it is within a united Canada, a united country. That is part of the history of our Conservative movement: recognizing that there are differences, but that those differences contribute to our country.

• (1125)

I would like to quote George-Étienne Cartier, one of this country’s founders. Monsieur Cartier said:

Distinctions of this kind would always exist. [Diversity seems] to be the order of the physical world and of the moral world, as well as in the political world.

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But with regard to the objection...that a great nation could not be formed because Lower Canada was in great part French and Catholic, and Upper Canada was British and Protestant, and [the maritime provinces] were mixed, it was [completely] futile.... In our [Confederation] we should have Catholic and Protestant, English, French, Irish and Scotch, and each by his efforts and his success would increase the prosperity and glory of the new Confederacy.

That is what this House ought to represent. It ought to represent a diversity of opinion, a diversity of background and a diversity of thought, but together as a Parliament representing Canadians. We must now and always stand for the rights and freedoms of Canadians. We as Conservatives will always stand on the side of the hard-working Canadian families that are working hard each and every day to provide for their families.

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, on that note, the member says the Conservatives will always stand for the freedom and rights of Canadians. Would that very same principle he spoke about apply also to the Province of Ontario when it did a pre-emptive use of the notwithstanding clause to limit labour negotiations? Does he believe that was an appropriate use of the notwithstanding clause by Ontario, in its pre-emptive way?

Mr. John Nater: Mr. Speaker, another important feature the Conservative Party believes in is the separation of powers, where each province has the right to do as it sees fit within provincial jurisdiction. We have always respected, as the Conservative Party, the rights of the provinces in their sole jurisdictions, so if the member has concerns about a provincial issue, he ought to run in that provincial legislature and bring his concerns to that place.

We have rights and freedoms, and we have safeguards within each of those. The member will know full well that the case in question was withdrawn by the province in question. What is more, section 33 does provide a five-year sunset clause, wherein the people's elected representatives in each of the provinces have the right to pronounce or re-pronounce on a matter that falls under section 33 of the Constitution Act of 1982.

[Translation]

Mr. Yves Perron (Berthier—Maskinongé, BQ): Mr. Speaker, every time we have an opposition day, I am rather surprised to hear the Conservatives lecturing us about how there are other subjects that we should be talking about, like inflation. Meanwhile, I think they spent seven of their opposition days talking about inflation without proposing any solutions whatsoever. All they did was repeat the same sound bites all day long. They are in no position to be lecturing us.

The issue we are raising today is fundamental. I would like my colleague to understand that. He is talking about a great big united nation where everyone can affirm their differences. Well, actually, there is a tool in the contract that we had shoved down our throats to preserve Quebec's distinctiveness, and it is called the notwithstanding clause.

The government is trying to change the nature of the contract that Quebec never signed but that we are forced to live with. With all due respect, I do not want the Liberals coming to me and asking me to recognize that their contract is legitimate because I will have

some choice words for them if they do. However, I will keep those words to myself since we are in a Parliament.

I am asking the Conservatives to support our motion. If they do not, then they are basically saying that it is okay for the government to spend thousands of dollars on legal fees for the next 10 years until these laws are recognized and operational, which will make things even messier than they are now, if that is even possible.

• (1130)

Mr. John Nater: Mr. Speaker, I believe there is an issue that must be raised.

Let us be clear. We in the Conservative Party believe that there are important issues in our country. In our view, inflation is the most important challenge at this time for Canadians and for Quebecers.

With respect to the Bloc Québécois motion, it is a question of facts. The Constitution is clear on the provinces. It states:

Parliament or the legislature of a province may expressly declare in an Act of Parliament or of the legislature, as the case may be, that the Act or a provision thereof shall operate notwithstanding a provision included in section 2 or sections 7 to 15 of this Charter.

The Bloc is asking us to vote on a question of fact. The facts are clear. It is in the Constitution. We believe what is written in the Constitution.

[English]

Mr. Colin Carrie (Oshawa, CPC): Mr. Speaker, I am very concerned when we see the Liberal Party of Canada aligning its ideology with the Bloc Québécois. They are very divisive. The Bloc, at least, is clear about it, but I would like to remind the House that there has never been a constitutional crisis under the Conservative Party when the Conservative Party has been in government. Now we see the Bloc and the Liberals working together so they do not have to talk about their miserable eight years and their poor record for the Canadian and Quebec people.

I would like my colleague to talk about this dangerous game that the Liberals and the Bloc are playing in regard to Canadian unity.

Mr. John Nater: Mr. Speaker, I would agree with my colleague's comments. This is a dangerous game when the Liberal Party and the Bloc are stoking divisions within our country rather than bringing the country together on issues that matter to all Canadians.

[Translation]

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, I will be splitting my time with my hon. colleague from Esquimalt—Saanich—Sooke.

First, in the wake of yesterday's tragedy in a Laval day care, I would like to take a moment to express my thoughts for the children who were victims of a senseless and horrific act, as well as for their parents and families. My thoughts are also with the employees of the day care. I think we need to reflect collectively on the numerous mental health issues. Finally, I hope we will have more details in the next few days.

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With that said, I want to start by saying something that may surprise many. I want to thank the Bloc Québécois for introducing their motion on this opposition day. This is not something I usually say, and some may find it a bit funny. However, I think this is a fundamental debate, in the first sense of the word, since we are talking about the fundamental rights and freedoms of the citizens we represent.

This allows us to have a debate about our vision of democracy, a legal, constitutional and political debate, almost a philosophical one. It is important to have this kind of debate in Parliament, and it is also a discussion and a debate for the whole civil society to have. It is a reflection on the actions of our legislatures which also have very tangible consequences in people's lives. We are not building castles in the air or having a disagreement about opposing views. This debate is about the use of a legitimate provision that exists, but that has consequences for people. We must not forget that and we must take it into consideration.

The notwithstanding clause is a compromise. We know about Quebec's exclusion during the night of the long knives. We are not going to dwell on that. It was appalling, especially for René Lévesque and all of Quebec. There were negotiations concerning the notwithstanding clause. There is no denying it, it is true. However, as is the case for any measure, its use can be good or not.

I think that in the past, it was put to good use in the case of Quebec's Charter of the French Language, which, following challenges, was able to benefit from the notwithstanding clause. This also resulted in public debate and review by some courts of the use of this provision. In this case, the notwithstanding clause was used for a common good that stood above others: defending the French language in Quebec in a minority situation in North America. I believe that what is known as Bill 101 has been broadly accepted in Quebec 40 or 50 years after it was passed, no matter who we talk to.

Does this mean that the notwithstanding clause can be used for anything and everything? There is no such thing as absolute. Just as freedom of speech is not absolute, the use of the notwithstanding clause should not be absolute. That is the NDP's view, as progressives.

Besides, it is not up to nine Supreme Court judges alone to decide what the criteria or conditions for its use should be. That is why I want to emphasize that this must be a public debate that occurs within our society as a whole. Determining when this provision should be used is part of a healthy and legitimate democratic discussion.

Let me remind the House that it was initially meant to be used exceptionally, almost as a last resort. Today, we see several legislative assemblies, not just the Quebec National Assembly, using it repeatedly, perhaps even abusively, systematically—my colleagues in the Bloc will not necessarily like that last word—but also preventively, which is extremely troubling.

We must ask ourselves whether legislators can, at any time and without ample justification, suspend most rights and freedoms, which are supposed to be protected. Should legislators not be required to give very good reasons to justify its use and to ensure that they can successfully face a court challenge?

Otherwise that would mean that a majority Parliament could do anything and everything, in terms of violating fundamental rights, at any time and without justification. That is something to think about. I know this drives my colleagues in the Bloc Québécois crazy, but French philosopher Albert Camus said, "Democracy is not the law of the majority but the protection of the minority."

• (1135)

It is a conception of the fundamental rights that must be a bulwark against a wholesale, unrestricted use of a notwithstanding clause that suspends the rights of citizens. It is a bulwark that was used in the past as a legal and permanent protection and has played a role in favour of the right of association, women's right to abortion and the rights of same-sex couples.

We have two extremes. On the one hand, we have Parliament, which is an expression of democracy, and on the other hand, the rule of law and charters that protect citizens. There is a dialogue between the two. These charters are not just the Canadian Charter of Rights and Freedoms. There is also the Quebec Charter of Human Rights and Freedoms, which came before the Canadian Charter of Rights and Freedoms. Let us not forget that. Then there is civil society and the media.

We have to remember that the clause is to be used in exceptional circumstances. It was not intended to be used pre-emptively.

I want to quote some of the judges in Ford. Justice Jacques said that the exercise of the section 33 power must come within the basic principles that define our society. He said that its use deprives the citizen of constitutional legal recourse against encroachment on a right guaranteed by the Constitution, thereby limiting the citizen to only political recourse, meaning that if the people are unhappy, they just have to oust the government. This is a bit of a tautology, because it is the government itself, through its majority, that brought in the notwithstanding clause. This means that more than just political recourse is needed.

In the case of Quebec, it should also be noted that the Superior Court recently wrote that by definition, in a society concerned about respecting the fundamental rights it grants to its members, the notwithstanding clause should be used sparingly and with caution. It added that some may think that its use by the Quebec legislature in this case trivializes it, especially since the clause was used even before there were any legal arguments as to its constitutionality. Pre-emptive use shuts down all discussion and debate and hinders the court's ability to defend fundamental rights.

Justice Blanchard of the Superior Court went on to say that since this involves overriding fundamental rights and freedoms, basic respect for those rights and freedoms should be an argument in favour of a more targeted use of this power, which, after all, should remain exceptional.

It should remain exceptional when used to suspend people's rights and freedoms, but it should also be used exceptionally when it comes to attacking workers' rights.

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We have seen Saskatchewan and, more recently, Ontario preemptively use the notwithstanding clause to suspend the rights of workers to use pressure tactics and freely negotiate their working conditions and employment contracts. In Ontario, we are talking about 55,000 poorly paid professionals in the education sector who have every right to demand better working conditions and wages. We saw a Conservative government come in and attack the labour movement, trying to break the rights of these workers with what we believe to be a misuse of the notwithstanding clause. I think this discussion is important because we see this slippery slope and how things are sliding. As a union activist, as a leftist, as a supporter of workers' rights, I think we have to ask ourselves whether the notwithstanding clause can be used to attack workers' fundamental rights, their working conditions and the fact that they are demanding a better life.

I think it has been the aim of the social movement for many years to promote the best possible working and living conditions, and to fight poverty and injustice. The improper use of the notwithstanding clause in this area undermines workers' fundamental right to freedom of association and collective bargaining. It is good to question the conditions for the invocation and implementation of this clause, because it is not just limited to Quebec issues; it is an attack on the labour movement, citizens and all workers. That is why we should be asking this fundamental question.

• (1140)

[English]

Mr. Han Dong (Don Valley North, Lib.): Mr. Speaker, we are debating a very interesting topic this morning, and I just listened to the remarks from my NDP colleague.

I remember in 2018, the newly elected Ontario provincial government decided to hold the municipal election in the fall of the same year. I think it was maybe a couple of days before the writ dropped for the election when it decided to slash the council seats by half. At the time, the government was trying to use the notwithstanding clause.

That is kind of ironic to me, because an election is an opportunity to hear what the people want in their government, but it was using the notwithstanding clause to slash these council seats by half, despite the legal minds saying that it was an infringement on democracy and the rights of people. I would like to hear my NDP colleague's comments on this.

[Translation]

Mr. Alexandre Boulerice: That is indeed a good example, Mr. Speaker. I remember that somewhat unfortunate episode involving Toronto city council where the misuse of the notwithstanding clause undermined the rights of Torontonians to have adequate or proper representation by what they considered a suitable number of city councillors. Was that what the provincial representatives intended when, in 1982, they called for a notwithstanding clause to be able to occasionally be exempted from the application of the Charter of Rights and Freedoms? I do not believe this was their intent.

It is fine, in my opinion, to have this discussion today on the conditions for its use. Is there a real and urgent need? Is it for the greater good or is it being abused to erode fundamental rights?

Let us have this discussion. We should not be afraid to have it.

• (1145)

[English]

Mr. Jeremy Patzer (Cypress Hills—Grasslands, CPC): Mr. Speaker, my colleague finished his speech by saying that this issue is bigger than Quebec, and he is absolutely right. What he is failing to acknowledge or address is that this issue of the use of the notwithstanding clause quite often stems from the Prime Minister.

The use of the notwithstanding clause has spiked since 2017, and the common denominator is the very divisive Prime Minister, yet this member continues to prop the Prime Minister up. I am wondering if the member, at any point in time, will withdraw his support for this tired and corrupt Liberal government so we can address the issues affecting Canadians.

[Translation]

Mr. Alexandre Boulerice: Mr. Speaker, I think that the NDP caucus has been smart about using its bargaining power and the balance of power to force the Liberals to do things that they never wanted to do in the past, things that will benefit thousands of Quebecers and Canadians. Take, for example, universal dental care, pharmacare, social and affordable housing, indigenous housing, and the anti-scab legislation that the Quebec and Canadian labour movement has been calling for.

As long as we can move forward and accomplish those parts of the agreement that we forced the Liberals to act on, things that they had always voted against in the past, we will continue to work hard in Canadians' best interests.

We can be sure of that.

Ms. Louise Chabot (Thérèse-De Blainville, BQ): Mr. Speaker, I still cannot believe what I just heard during my colleague's speech.

The NDP's Quebec lieutenant has a duty to defend the interests of Quebecers. However, the interests of Quebecers are also shaped by the fact that they are a minority. Quebec is making use of the only constitutional provision available to protect its right to live in French, to protect its right to social harmony and to its identity as a people, and to preserve the nation. These are laws passed by the National Assembly.

I find it hard to fathom how anyone could have a tepid stance on these issues and not fundamentally recognize the right of Quebec and the provinces to use the notwithstanding clause in order to protect what is dearest to them: preserving their laws and the right of elected officials to decide by and for themselves instead of leave this issue up to the courts.

Business of Supply

Mr. Alexandre Boulerice: Mr. Speaker, I do not think my colleague really listened to my speech. I said right off the bat that I think using the notwithstanding clause to support the Charter of the French Language and Quebecers' right to live in French is appropriate. I want to reiterate that.

I am kind of surprised to hear my Bloc Québécois colleague say that we cannot stand for a government of judges, because that is essentially the argument that Stephen Harper's Conservatives used and that the Republican Party often uses. Anyone who supports the rights of Quebecers must also support their right to freedom of association and free collective bargaining. I find it passing strange that the former president of the Centrale des syndicats du Québec has no problem with the idea of using the notwithstanding clause to attack unions.

[English]

Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP): Mr. Speaker, I am pleased to rise today to talk about the broader topic, the Canadian Charter of Rights and Freedoms, and I will eventually, after a bit of a diversion, come back to the motion before us.

It is important to note that at the time of its adoption, the Canadian Charter of Rights was controversial. At the time of the patriation of the Constitution, we were not used to the idea of a written charter, something that comes from a civil law tradition, because our institutions had been founded on the British system, which revered the supremacy of Parliament. A compromise was reached when the Constitution was patriated, and the national Parliament and provincial parliaments agreed to limit themselves with a written Constitution and written Charter of Rights and Freedoms.

I would argue that, at the time, this was exercising parliamentary sovereignty and a voluntary restriction. We recognized that we had to agree on the basic rules by which we work together and that those should be difficult to change, so we have a written Constitution. We also recognized that even in a British system, a written Charter of Rights and Freedoms would help preserve the rights and freedoms of Canadians.

As an aside, my own enthusiasm for the charter at the time was tempered by what was often called the omission of sexual orientation from a section of the charter, as if it was somehow unknown or forgotten at the time. That is not the case, and I knew this well. I was very fresh out of university and working here at the House of Commons for Ed Broadbent at the time. When the Constitution Act was before the House in committee, New Democrat MP Svend Robinson moved to add sexual orientation to section 15 as a protected ground against discrimination.

This was at committee stage. There was a debate and vote on whether sexual orientation should be one of those protected rights. The proposal to add sexual orientation was defeated 22 to two, with only Svend Robinson and Lorne Nystrom of the NDP voting in favour. It took a series of court cases following the adoption of the charter to affirm that sexual orientation was a prohibited ground for discrimination analogous to the enumerated grounds listed in the Constitution.

Members will see in a moment where I am going with this. I am going to tie it to the notwithstanding clause.

Members of LGBTQ+ community continued to fight for recognition of equality rights. There was a series of court cases starting in 1992 with *Haig and Birch v. Canadian Armed Forces*, continuing in 1995 with *Egan v. Canada* and culminating in 1998 with the case of *Vriend v. Alberta*. All of these cases served to make sure it was understood that just because a right like citizenship or the prevention of discrimination against sexual orientation was not listed, it was a still a protected ground.

In 1998, the Supreme Court of Canada noted the omission of sexual orientation from the Alberta Human Rights Act. We should remember that this is the Supreme Court deciding on Alberta legislation. What the court found was that it violated the equal protection of the law guaranteed in the charter not to list sexual orientation. In other words, the Supreme Court of Canada at the time ordered Alberta legislation to respect the Constitution and the charter by protecting against discrimination on the basis of sexual orientation.

Immediately after, there were calls in Alberta for the use of the notwithstanding clause. It was immediate. Why did the Alberta government not proceed? It was because there was a public outcry against the use of the notwithstanding clause. It was very strong at that time because the Alberta government, just months before, had brought forward a bill to use the notwithstanding clause. In that case, there had been a decision against the government, which had proceeded with forced sterilization of those with intellectual disabilities. They had won a large settlement against the Alberta government, so the Alberta government brought in a bill that proposed to use the notwithstanding clause to limit compensation for those who had been forcibly sterilized.

There was a huge public outcry about the attempted use of the notwithstanding clause to prohibit payments that had justly been won in court for this discriminatory treatment. That precedent, just a few months before, led to the same kind of debate about the use of the notwithstanding clause to get around the Supreme Court decision that forced the Alberta Human Rights Act to include sexual orientation.

• (1150)

This is the way those who adopted the Constitution and charter thought the notwithstanding clause would work in response to court decisions or legislative decisions that were controversial. It was not pre-emptive but in response to developments within the legal system. Ultimately, who would decide whether the use was legitimate? It was the Supreme Court of Canada, because we have a country that operates on the rule of law.

We see a motion that says, in quite simplistic terms, that it is up to the provinces if they want to use the notwithstanding clause or not, and that is clearly not true legally. It is also not true in a political sense. It is not clearly just up to the provinces. It is up to Canadians to decide what is appropriate action and to judge their governments.

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I will go back to Alberta. Two years after a series of court decisions recognized the right to same-sex marriage, Alberta added to its Marriage Act a notwithstanding clause to allow it to say that marriage is only between a man and a woman. In a reference case in the Supreme Court in 2004, the Supreme Court found that, on jurisdictional grounds, Alberta could not use the notwithstanding clause. In other words, it said that because marriage is within federal jurisdiction, Alberta cannot use the notwithstanding clause to get around it. It is exclusively a power of the federal government to make this decision.

Once again, we have an example where it is not up to a province to decide if it wants to use a notwithstanding clause. There were jurisdictional reasons for why the Supreme Court found it could not do so.

After this very long detour through issues that are very important to me personally and to a large number of Canadians, we come back to where we are with the motion before us, which says, "it is solely up to Quebec and the provinces to decide on the use of the notwithstanding clause." Clearly, the arguments I made today show that is not the case. It is not something that a government can decide to do.

We have the Constitution and we have the rule of law. However, most importantly, the three examples in Alberta illustrate how those who designed the charter and the Constitution thought it would operate. Public opinion plays an enormous role in deciding what governments can and cannot do when it comes to the use of the notwithstanding clause. That is why I think the pre-emptive use is problematic.

This is before we have had any public debate, before we have had any court decisions and before we have done anything on an issue, so for a province, and it is the provinces that have tried to do this, to insert a notwithstanding clause pre-empts all those things that should take place. It presumes outcomes. It indicates an attitude where rather than trying to find a solution to the problem in front of them, it becomes simpler to pre-empt the debate altogether and say we will not talk about this and will just go ahead and do whatever we want to do. Unfortunately, I think the Bloc motion reinforces the kind of idea that this would be appropriate in Canada in the democracy we have.

If we look at when the notwithstanding clause has actually been used, it has been most frequently used for expedience when collective bargaining fails. The 1986 use of the notwithstanding clause by the Conservative Devine government of Saskatchewan was to implement back-to-work legislation after it failed to reach an agreement with public employees.

Most recently, we had the 2022 use of the notwithstanding clause by the Ford government, which pre-emptively made it illegal for education workers to strike and imposed a contract on them. I would argue there is a right to collective bargaining, and pre-empting that right through the notwithstanding clause meant the government simply did not want to sit down and bargain fairly with the workers.

Between 1990 and 2018, there were only four uses of the notwithstanding clause, and many of us believed it was fading

away. The fact that we are debating it today, as if it is an unlimited power of the provinces, is disturbing. As I have said, we already know it is limited. It is limited in time, as it can only be used for five years. It does not apply to certain sections of the Constitution. It is limited by Supreme Court decisions on the question of jurisdiction.

Hopefully, the use of the notwithstanding clause will always be limited by public opinion in this country and by the part of our political culture and our political values that say we are very proud of our Charter of Rights and Freedoms, and suspending any part of those rights and freedoms should not be taken lightly.

• (1155)

Mr. Gary Anandasangaree (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I thank my colleague for his well-presented speech on the notwithstanding clause and in particular the impact it has had on LGBTQI rights.

I know that last year, in the U.S., we saw *Roe v. Wade* get overturned. It has been highly problematic, and not just in the U.S. Many Canadians are quite worried about the impact this will have on rights in Canada.

I wonder if the member could speak to the potential of the notwithstanding clause being used pre-emptively and in the wrong way with respect to abortion rights in Canada.

• (1200)

Mr. Randall Garrison: Madam Speaker, I thank the hon. member for his question because he raises the concern that I was getting at. If it becomes part of our political culture that we can use the notwithstanding clause willy-nilly and pre-emptively, there will be a temptation for certain political actors and political leaders to attempt to appeal to segments of the population by offering to use the notwithstanding clause to respond to their concerns about public policy. That is very dangerous, and I would not like to see us go down a road where we consider suspending rights to be a normal part of the Canadian political regime.

[*Translation*]

Mr. Denis Trudel (Longueuil—Saint-Hubert, BQ): Madam Speaker, I thank my hon. colleague for his speech.

I am a little surprised to hear him and some other members, including the member for Rosemont—La Petite-Patrie, say that people on the left are always ready to defend all diversities, diverse expressions and minorities.

Wanting to limit Quebec's right to defend its differences is what we are talking about this morning. That is what the notwithstanding clause is all about. Quebec is a nation, which has been recognized in this place. It has a different language and a different way of life. The Bloc Québécois has to stand up for this distinctiveness day after day after day.

With this morning's motion, we are once again trying to say that this right is enshrined in law and we are tired of being attacked all the time. We are not the same, and we want to keep it that way. We want to safeguard our ability to defend Quebec's distinctiveness. That is all.

[*English*]

Mr. Randall Garrison: Madam Speaker, the only thing I can say to that is there is an internal contradiction in the argument that was made when the member said that Quebec's recognition as a nation and Quebec's rights are enshrined. They are in this country, and they are recognized by virtually everyone in this chamber. I am not sure how the reference to the need for a notwithstanding clause has anything to do with the rights that are already recognized and enshrined when it comes to Quebec.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Madam Speaker, I appreciated the words of my hon. colleague and neighbour from Esquimalt—Saanich—Sooke and the reflections on the failure of the initial charter to protect sexual orientation.

Since the member has raised my old friend Svend Robinson in this discussion, I will mention two of my constituents. Svend Robinson is a constituent of Galiano Island in my riding, and I am enormously indebted to him for many stands he has taken over the years. Another constituent, Conservative Pat Carney, was actually the first member of Parliament to put forward legislation for equal marriage, which was one of many early efforts on her part.

I want to put this to the hon. member. He says, quite rightly, that we never, ever anticipated that the notwithstanding clause would be used as Premier Ford just proposed he would do to deny teachers' rights. We never expected that it would be used for back-to-work legislation applied indiscriminately.

What do we do to mobilize public opinion to protect the Charter of Rights and Freedoms from cavalier political efforts to just grab it as we—

The Assistant Deputy Speaker (Mrs. Alexandra Mendès): I have to give the hon. member for Esquimalt—Saanich—Sooke an opportunity to answer.

Mr. Randall Garrison: Madam Speaker, one thing this debate does today is allow us to bring public attention to the fact that this was never the way the notwithstanding clause was intended to operate, and to remind Canadians that we have to be vigilant to protect our rights and have to be vigilant in making sure that suspending rights does not become the normal course of action for certain governments in this country.

[*Translation*]

Mr. Rhéal Fortin (Rivière-du-Nord, BQ): Madam Speaker, I will be sharing my time with the member for Trois-Rivières. I have only one river and he has three, but we will still share the time equally.

Today's motion states, and I quote, "That the House remind the government that it is solely up to Quebec and the provinces to decide on the use of the notwithstanding clause."

The notwithstanding clause refers to section 33 of the Canadian Charter of Rights and Freedoms. It gives elected representatives of the people in the Quebec National Assembly, the federal Parliament and the provincial and territorial legislative assemblies the ability to pass legislation that could contravene one or more provisions of the charter.

Section 33 reads, and I quote:

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Parliament or the legislature of a province may expressly declare in an Act of Parliament or of the legislature, as the case may be, that the Act or a provision thereof shall operate notwithstanding a provision included in section 2 or sections 7 to 15 of this Charter.

Then it goes on to say that the effect of the act in question is independent of the provisions of the charter, that the act will have to be renewed every five years or it will expire and that all of this is legitimate.

Others will tell me that that is obvious. They may say that all that has already been settled, that it has been enshrined in our legislation since 1982, so for 41 years now, and that, ultimately, in principle, we are now speaking to no purpose. I wish this motion did not have to be moved in the House today, because I too believe the matter has been settled.

However, we have heard the Prime Minister suggesting for some time that the notwithstanding clause can only be used after the courts have overturned a law.

This Prime Minister is suggesting that we allow people to waste their time and money pursuing needless legal proceedings only to ultimately be told that, win or lose, they have lost. They will have to spend tens or even hundreds of thousands of dollars seeking a judgment from the Superior Court, the Court of Appeal and the Supreme Court. If they are lucky enough to win, the government will say too bad, because with the notwithstanding clause, even when they win, they lose. That seems totally illogical to me.

Our courts are currently overloaded. They are so backed up that it can often take years before a trial begins. Who would want to make the backlog even worse? I have no clue. We should ask the Prime Minister why he is saying that. It seems so absurd to me. However, I would say that it is a fascinating position in some ways.

First, the Supreme Court ruled in *Ford* in 1988 that the National Assembly of Quebec is perfectly free to include the notwithstanding clause in any law it passes, if it wants to. It can do so pre-emptively, without waiting for a court to overturn the legislation first. The court does not have authority to judge the substance of the legislation or the legitimacy of invoking the notwithstanding clause. The court's only role is to determine whether the notwithstanding clause adheres to the prescribed form. In other words, it must be explicit and indicate the section of the charter from which it intends the legislation in question to derogate.

As we all know, the government of René Lévesque enacted the Act respecting the Constitution Act, 1982, which introduced, again in a pre-emptive manner, notwithstanding clauses for all Quebec legislation. In short, the act is clear, it has been in force for 40 years, and it has faced few or no challenges.

The Supreme Court has upheld the interpretation, but for some reason, the Prime Minister does not seem to be aware of it. I cannot wait to see how our Liberal colleagues will vote on this motion, especially the Prime Minister.

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In a 2016 research note, University of Sherbrooke law professor Guillaume Rousseau counted 41 laws passed by the Quebec National Assembly that included at least one mention of the notwithstanding clause.

At least 11 of those laws are still in force. Furthermore, nine of the total 41 included exemptions from both the Canadian Charter of Rights and Freedoms and the Quebec Charter of Human Rights and Freedoms.

● (1205)

In total, there were 32 exemptions from the Quebec charter and 18 exemptions from the Canadian charter. These are all statistics.

It is interesting to see some of the examples, including the Act respecting La Financière agricole du Québec, which provides for financial assistance to be granted to young farmers aged 40 and under. We agree that this is discrimination based on age. It is terrible from the point of view of the charter, but it makes sense to Quebec society. Therefore it was decided that the act would apply despite the provisions of the charter. The notwithstanding clause was invoked without any shirt rending whatsoever.

The employment equity act directs the government to give preference to people from under-represented communities. Again, this violates both charters; it is a form of discrimination. However, since Quebec society thought it made sense, the act was passed despite the provisions of the charter, by invoking section 33, the notwithstanding clause.

I also want to talk about small claims court, which was set up to ease the court process in cases that are less financially significant, with claims of \$15,000 or less. The idea was that it does not make sense in a case with a \$10,000 claim, for example, for people to have to wait years in court and pay a lawyer \$20,000 or \$30,000 to maybe get a ruling for \$15,000 or \$10,000. In small claims court lawyers are not authorized to represent clients. People represent themselves. The court makes a decision after having heard all the parties and looked at all the evidence. This goes against the charter, which recognizes the right to a lawyer. As a society, we thought it made sense. It was adopted with the use of the notwithstanding clause.

The Court of Quebec's youth division protects children's anonymity. In Quebec, this was considered important. I believe that it is the same everywhere in Canada. However, anonymity goes against the charter because trials are public. Recently, we saw a case that proved otherwise, but I will not talk about it, because I only have 10 minutes, and it would take me 20 minutes to talk about it. I was saying that under the charter, trials must be public. The youth division was created using the section 33 notwithstanding clause.

These are all choices made by the Quebec National Assembly. It had the opportunity to do so because of one thing. Although the federal government decided to pass the Constitution Act, 1982, behind Quebec's back, without Quebec's sign-off, it still had the decency to allow Quebec to get out of it using the section 33 notwithstanding clause. That was the agreement reached in 1982 between the Prime Minister of Canada and the premiers of the nine other provinces, without Quebec.

I would like to point out that in 1982, our current Prime Minister's father was there. Although he was not always considered to be a decent person in some ways, he did have the decency to say that even though he was doing this behind Quebec's back, he would give it an escape hatch.

Why is the current Prime Minister now questioning decisions made by his father back then? Why is he trying to undermine the autonomy of the provinces and of Quebec? I think that is appalling.

I was listening to my colleagues talk about various pieces of legislation in Canada that they do not agree with. I might not agree with decisions made elsewhere either. The fact remains that democracy is all about the right to pass legislation, and that includes the right to be wrong. We must not forget that.

A democratic state does not pass laws that suit the citizens of other states. A democratic state passes laws that suit its citizens, who are the subjects of that democracy.

I want to respect the democracy that allows the Ontario government or any other government to pass laws that may not suit us Quebecers. I respect that. It is up to their citizens to decide. They hold elections there as well.

In Quebec, we want to avail ourselves of our right to democracy. We want our government and our National Assembly to pass laws that fit with our values and reflect who we are, without having to impose standards that the federal government has decided to impose on everyone, once again behind Quebec's back, without our consent.

● (1210)

Mr. Gary Anandasangaree (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, the Minister of Justice clearly indicated that the government had concerns about the pre-emptive use of the notwithstanding clause. The provinces should be convinced that their laws comply with the charter. We have serious concerns about the clause being used in this way.

I would like to ask my colleague if he agrees with Doug Ford's use of the notwithstanding clause last fall.

● (1215)

Mr. Rhéal Fortin: Madam Speaker, I thank my colleague, whom I respect, for his question. I will repeat what I said when finishing my speech because he is addressing an important matter. I briefly spoke about this at the end of my speech.

This is what democracy is all about: I do not have to agree with Doug Ford and he does not have to agree with François Legault. We are talking about two different states that make different decisions based on what is best for their voters. If they make a mistake, which they are allowed to do, their voters will punish them for it at the next election.

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[English]

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Madam Speaker, is the member then suggesting that if a provincial jurisdiction decides to use the notwithstanding clause for whatever it deems it wants to do, then Ottawa has absolutely no role to play, even if the citizens of the nation feel compelled that there should be some national leadership on an issue?

[Translation]

Mr. Rhéal Fortin: Madam Speaker, the answer is short and sweet: yes. The Supreme Court said it, and I will say it again: yes. Decisions by the provinces do not concern the federal government, as long as those decisions are legal. The courts will overturn legislation or not based on a broad range of criteria, a series of conditions that legislation must respect.

However, their compliance or non-compliance with the Charter of Rights and Freedoms falls under section 33, not under the federal government, which is not the arbiter of the values, interests and decisions made by the legislative assemblies.

Mrs. Julie Vignola (Beauport—Limoulu, BQ): Madam Speaker, my question is this. If the federal government wants to bring the notwithstanding clause before the Supreme Court of Canada in order to amend it or limit its scope, is it not opening the door to renegotiating the Constitution?

Mr. Rhéal Fortin: Madam Speaker, I thank my colleague for her question, which is pertinent, as always.

She is right. This touches a bit on what my colleague across the way was asking a few moments ago. Should the federal government stand idly by? If the federal government is not satisfied with its own legislation, it can amend it or propose to amend it.

The Constitution Act, 1982, can be amended. We realize that it would be a complicated process, but it can be amended. If the government is unhappy with the way it is currently written, it can propose constitutional talks. Let us see what the provinces have to say. We will see whether or not there would be changes and, if so, what those changes would be.

One thing is certain: This legislation was meant to lock us in, despite the fact that we did not agree to it. Do not push an interpretation that defies logic, because that goes against what the Supreme Court of Canada said, against what Trudeau senior said at the time, and against common sense.

[English]

Mr. Kevin Lamoureux: Madam Speaker, I just want to be very clear. For example, the Province of Ontario, in a pre-emptive way, took actions that went against labour in a very significant fashion. It is the position of the Bloc that Ottawa should not even be stating any sort of opinion on the matter.

It is not an issue of jurisdiction as much as it is standing up for the Charter of Rights and Freedoms and saying what is right, in many ways.

To be very clear, the member is saying that Ottawa should have no place to provide comments.

[Translation]

Mr. Rhéal Fortin: Madam Speaker, Ottawa has the right to provide comments. We all have the right to provide comments, because we live in a free country. Freedom of expression is important.

I am not saying it does not have the right to comment. I am saying that this is a provincial matter. My colleague across the way has no authority to dictate to the Ontario government how it must act, any more than he has the authority to dictate to the Quebec government how it must act. That is up to the provincial legislatures and Parliament to decide. It is not up to the government.

Once again, we must live with the law as written. Ontario's democracy does not need to be identical to Quebec's democracy or to that of the other provinces.

● (1220)

Mr. René Villemure (Trois-Rivières, BQ): Madam Speaker, when I began studying philosophy in 1992, the first problem we learned about was the notion of government of judges. Ten years after the charter was imposed on Quebec, we were talking about whether, ultimately, judges and unelected individuals should be making decisions, so this is not a new debate.

Raise the subject of the notwithstanding clause in Parliament, and one can cut the silence with a knife. I know a French author who would have a lot to say about that.

Let us start with a history lesson.

Cicero explained that the verb *derogare*, which means “derogate”, is made up of the prefix *de*—to take away, as in “demystify”, “decommission” and “deodorize”—and *rogare*, which means “to ask”. The word “derogate”, strictly speaking, means “un-ask”. In other words, to get out of something.

Oresme, another Latin-speaking philosopher who was also an astronomer, mathematician, economist, musicologist, physician, translator and theologian—rather like the members opposite—lived in the 1300s. He left us two legacies: the famous quote, “I know therefore that I know nothing” and the use of the word “derogatory”.

One of the most difficult matters in all controversy is to distinguish disputes about words from disputes about facts. If we want to resolve the dispute about facts, let us first examine the words.

I often say in the House that a word is a construct of sound and meaning and that sometimes that leads to confusion. Take for example, the word “secularism”. I know everyone will believe me when I say that, in the House, that word can have at least two meanings. When we use words like “secularism” or “derogation”, it is important that we be clear about what we are talking about.

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The word “derogation” refers to the repealing of an act or some of its provisions. We more commonly refer to the “notwithstanding clause”, which basically means the same thing. The Latin term *non obstaré* means “to not stand in the way of”. The notwithstanding clause prevents the federal government from standing in the way of the provincial government, in this case the Government of Quebec. In every case, the notwithstanding clause constitutes a protection granted by the legislator, the original drafter, so as not to stand in the way of the future, society’s progress or changes that occur over time.

As soon as it was enshrined in the 1982 Constitution, which, as my colleagues will hear 32 times today, Quebec never signed, Trudeau senior himself thought that adding the provision in question was a good idea having foreseen the possibility of a government of judges. He even said the following, with a style that I will not even attempt to imitate, and I quote:

I must be honest and say that I don’t fear the notwithstanding clause very much. It can be abused as anything can, but the history of the Canadian Bill of Rights Diefenbaker had adopted in 1960, it has a notwithstanding clause and it hasn’t caused any great scandal. So I don’t think the notwithstanding clause deters very significantly from the excellence of the Charter. It is a way that the legislatures, federal and provincial, have of ensuring that the last word is held by the elected representatives of the people rather than by the courts.

From day one, the notwithstanding clause has given governments in the federation a window to express their choices, their preferences. It enshrined their right to do one thing rather than another without that choice affecting other members of the federation.

I will now say the following to head off the question I am sure my colleague from Winnipeg North is going to ask.

The notwithstanding clause allows the partners to compromise, strike a balance between individual rights and the collective rights of the different cultures in the federation.

Let us take the high road without talking about the Chinese balloon.

In terms of geography, Canada is a vast country. We all agree on that because it covers approximately 10 million square kilometres. If we were to move this immense territory to Europe, for example, which has an area of 9.9 million square kilometres, we would see that Europe has 56 sovereign entities. As members know, the area of Quebec is six times greater than that of France. In France’s regions, in Burgundy or Alsace for example, the culture is different. The lifestyle and identity are different. Europe is made up of 56 entities. France is not Germany, Germany is not Finland and Finland is not Italy.

• (1225)

In Canada, without the notwithstanding clause, everyone living in the 10 million square kilometre area would be treated the same way. It makes no sense. This does not recognize everyone’s particular characteristics or at least those of certain areas.

In my opinion, geographically speaking, Canada is a historical mistake. Following the European logic, some members would have come together and others would have separated. Quebec would be a sovereign state in the vast landscape of North America. The notwithstanding clause has somewhat made up for this mistake by providing a remedy when necessary. This provision makes up for

the inherent imbalance or unfairness of a legislative text, which is a text frozen in time. It provides flexibility for members of a government, or of the federation, in cases not foreseen by the legislator.

The opposite of inequity is equity, which is said to be a more perfect form of justice because it takes exceptions into account. Equity is like a line drawn according to everyone’s concerns, while equality is a straight line. The notwithstanding clause creates equity, and it also ensures that we do not have a so-called government of judges. The elected are in control, rather than the appointed.

Quebec is first and foremost about diversity and tolerance. It has a distinct history, culture and identity.

A Polish philosopher I like very much, Maria Ossowska, argued that in relations between nations, one should be open-minded, courageous, intellectually honest and critical. One should speak responsibly—which is sometimes lacking in the House—and have a sense of humour. Above all, one should be decent and treat others as one would like to be treated.

I conclude with this anonymous quote: “A treaty is an eternal commitment, but experience shows us that it is often convenient to renege on a commitment. The first time paves the way for the second, until there is nothing left of the word given.”

That is kind of what we want.

Hon. Steven MacKinnon (Gatineau, Lib.): Madam Speaker, I have a very simple question for the member,

When it comes to using the notwithstanding clause, where would he draw the line? What rights are fair game for violating and what rights would be off-limits?

Mr. René Villemure: Madam Speaker, I thank my hon. colleague for the loaded question.

This is not about violating rights, but rather shaping how certain provisions are applied, recognizing the importance of each. The anglophone community is not harmed by the notwithstanding clause in Quebec. Its status as a favoured minority will continue to apply, which has never been a problem for us.

Mr. Martin Champoux (Drummond, BQ): Madam Speaker, the only thing to do at this point is to throw my colleague from Trois-Rivières a softball.

He gave an excellent speech, I have to say. Perhaps my colleagues are not too eager to rise and speak because his speech was so eloquent and powerful.

I would like to ask him whether he thinks Quebec’s specificity, distinct identity and way of living together in harmony could be preserved without the existence of the notwithstanding clause in the Canadian Constitution.

Mr. René Villemure: Madam Speaker, I thank my colleague from Drummond for his question.

We feel very strongly about the notwithstanding clause in the 1982 Constitution, even though Quebec has still not ratified it. This provision has ensured our survival, our identity, our culture and our distinctiveness all this time. Without this provision, we would drown.

• (1230)

[English]

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Madam Speaker, I would like a bit more clarification from the member. My colleague asked a question about which legal rights he thought would be okay to undermine compared to others. Is there a list of which ones are really bad and which ones are not as bad?

[Translation]

Mr. René Villemure: Madam Speaker, I thank my colleague from Winnipeg North; I would have been disappointed if he had not asked me a question. I always appreciate his questions, which have a way of sparking debate.

The province of Quebec makes its own laws for the benefit of Quebecers, which is totally permissible under the notwithstanding clause. We are not talking about prioritizing rights, we are talking about making decisions according to our own culture, identity and prerogative.

Mr. John Brassard (Barrie—Innisfil, CPC): Madam Speaker, I want to thank my colleague for his speech this afternoon. We work together on the Standing Committee on Access to Information, Privacy and Ethics. His contributions to that committee are always thoughtful, as are his contributions to the House today.

Would the member agree with me that there has never been a Prime Minister in the history of our country like the current Prime Minister, who has used division to pit Canadians against Canadians and Quebecers against Quebecers, and who has used a constitutional crisis to deflect attention from his failures?

Mr. René Villemure: Madam Speaker, my colleague from Barrie—Innisfil, with whom I have the pleasure of working on the Standing Committee on Access to Information, Privacy and Ethics, is asking a fundamental question.

The division created by the current Prime Minister is unprecedented and it reaches an unacceptable level. It is an insult.

A few days ago, I was looking at a photo book on Quebec at home. Some of the people photographed are wearing a veil and others are not, but everyone lives in harmony. Harmony prevailed and there were no problems until someone started to create problems around these things.

Frankly, I believe that the current Prime Minister is inciting division. He contributes to citizens distancing themselves from others.

[English]

Ms. Leah Gazan (Winnipeg Centre, NDP): Madam Speaker, I very much value the Charter of Rights and Freedoms, and I know that the intent behind this certainly is to protect Quebec identity and the identity of Quebecers. I understand the importance of identity, but I also respect the identity of other nations within Quebec, such as indigenous nations, including the James Bay Cree, for example,

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where Quebec has signed bilateral agreements between Quebec and the federal government. I note that these are different relationships, as indigenous peoples have their relationships with the Crown.

When we talk about nations, what does my colleague think of my interpretation of “nation”?

[Translation]

Mr. René Villemure: Madam Speaker, I forget what year it was, but Bernard Landry had signed the peace of the braves with the Cree First Nation. The treaty recognized the rights of indigenous peoples by promoting their integration and co-operation with us, or rather the co-operation between all of us together. I totally agree with my colleague.

[English]

Mr. Gary Anandasangaree (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, I am glad to speak this afternoon. I will be sharing my time with the member for Aurora—Oak Ridges—Richmond Hill.

Let me acknowledge at the outset that we are gathered here on the traditional unceded lands of the Algonquin people.

Before I go into the speech, I have some important reflections on the Canadian Charter of Rights and Freedoms. It is a document that has entrenched into Canadian law such fundamental rights and freedoms as I think people around the world aspire to achieve. Over the years, this has been a guiding document in my life. I think it has been a guiding document for many in this country. While it is not perfect, it has offered a very important path towards the recognition of international human rights and the universality of human rights. Of course, we can date this back to the Universal Declaration of Human Rights that was signed right at the end of World War II, as well as the former Canadian Bill of Rights and other international covenants and documents Canada is party to.

On a personal level, my family came to Canada 40 years ago this year. We fled an armed conflict in Sri Lanka where the rights of minorities were suppressed, and suppressed at will, oftentimes with reinforcement by law. Around this House, this country and my riding, millions of Canadians can trace their history to difficulties because governments chose to suppress their rights because of who they are.

In fact, in Canada we can see a number of occasions of this. The member for Esquimalt—Saanich—Sooke talked about the experience of the LGBTQI community, and of course the member for Winnipeg Centre has often spoken about the disparity between indigenous and non-indigenous Canadians.

The Canadian Charter of Rights and Freedoms has set a benchmark for us to follow in many ways. While it is important that we were able to get this agreement in 1982 with the provinces with the inclusion of the notwithstanding clause, this clause was always meant to be used sparingly by governments.

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• (1235)

[Translation]

Our charter is also a source of inspiration for the many countries that have built some of their constitutional documents in a similar way. In short, as a Canadian, I am proud that 40 years ago we decided, as a society, to have such an instrument.

[English]

Section 33 of the charter, which is commonly known as the notwithstanding clause, made it possible to reach a political compromise between the different entities making up Canada when the charter was adopted. This section authorizes Parliament or the legislature of a province to derogate from certain provisions of the charter, namely those protecting fundamental freedoms, legal guarantees and equality rights.

[Translation]

The Assistant Deputy Speaker (Mrs. Alexandra Mendès): I must interrupt the hon. member.

The hon. member for Shefford on a point of order.

Ms. Andr anne Larouche: Madam Speaker, I apologize for interrupting my hon. colleague's speech, but the interpreter said that his earpiece is too close to the microphone and that there is a risk of feedback.

[English]

The Assistant Deputy Speaker (Mrs. Alexandra Mendès): I would remind the hon. member to keep the earpiece far away from the microphone on the desk.

Mr. Gary Anandasangaree: Madam Speaker, throughout this historical overview, I hope to bring out two main points.

The first point is who used the notwithstanding clause in a particular political and historical context. The use of the clause was exceptional until very recently, in the case of Ontario, where it was used pre-emptively. The political cost was simply too high to do otherwise.

The second point is that the frequent practice of provincial legislatures was to invoke the notwithstanding clause in response to a court decision. In my opinion, the only potentially legitimate recourse to section 33 necessarily involves the courts. Our constitutional tradition is marked by dialogue. The pre-emptive recourse to the derogatory clause eliminating legal debate is contrary to our traditions and must be decried.

The legislature of Quebec, for a time, included a standard notwithstanding provision in each of its new laws; this practice continued until the 1995 election.

Afterwards, the notwithstanding clause was used only a few times by the provincial legislatures. The Saskatchewan legislature passed back-to-work legislation invoking the notwithstanding clause in the mid-1980s. The legislature did this in response to a decision by the Saskatchewan Court of Appeal that declared an earlier version of the law unconstitutional and did not include an overriding provision. The Supreme Court eventually cited the Saskatchewan legislature, ultimately concluding that the law did

not infringe on the charter. Therefore, the recourse derogation clause was not necessary in this case.

The third province to use the notwithstanding clause was Alberta. In 2000, the Alberta legislature passed the Marriage Amendment Act, 2000. With this act, the province's Marriage Act was amended to declare that a marriage could only be between persons of opposite sexes.

Apart from the initial and particular example of Quebec immediately after the patriation of the Constitution in 1982, it can be seen that recourse to the notwithstanding clause was relatively exceptional. Prior to 2018, only three provinces had laws in effect invoking the notwithstanding clause, and they did so only a few times.

Since 2018, we note a renewed interest in the use of this clause. The Ontario legislature almost invoked the notwithstanding clause in 2018 in response to the Ontario Superior Court decision that a law to reduce the size of the City of Toronto's council was unconstitutional. Legislation invoking the notwithstanding clause was not passed, however, because of the intervention of the Ontario Court of Appeal.

Subsequently, the Ontario legislature passed, for the first time, legislation invoking the notwithstanding clause in the Protecting Elections and Defending Democracy Act, 2021. The notwithstanding provision was invoked here in response to the decision of the Ontario Superior Court, which declared certain provisions relating to third party election expenses unconstitutional.

This new bill from the Legislative Assembly of Ontario therefore follows a worrying recent trend. As I mentioned, while the use of the derogation clause was exceptional then, this seems to be less and less the case now. One could add to these examples the failed attempt by the New Brunswick legislature in 2019.

This provision should not be taken lightly. There was never any question when it was included in the charter that it should become a tool to be used routinely. Rather, it should only be used in the most pressing cases where no other option could be considered and there is a strong public policy consideration. What is the point of adopting a charter incorporating fundamental rights and values into our Constitution only to derogate from it at the slightest inconvenience?

A healthy democracy should not be based on majority rule. It must respect and protect all Canadians by giving them the chance to question the decisions of the government in place. The charter is an instrument for challenging decisions made by governments by applying clear guidelines. It is not normal for a government to be able to make decisions without submitting to scrupulous evaluation by its population. However, this is what section 33 is for: to avoid any debate and exchange of ideas about a measure. This is a way for a government to hide behind the notwithstanding clause in order to avoid questioning itself. I do not think that allows us to live in a healthy democracy.

• (1240)

In addition, the time of use of the notwithstanding clause should also be considered. Indeed, when used pre-emptively and preventatively, it has even more negative repercussions on our parliamentary system since governments can pass laws without worrying about the impact on the fundamental rights of their citizens. Its preventive use risks upsetting the fragile balance that exists between the protection of fundamental rights and the effective functioning of a parliamentary system.

I would like to conclude by saying that I take a dim view of this frequent pre-emptive use of the derogation clause. This practice trivializes our most basic protections, and I am happy that we have the opportunity to discuss this important matter for all Canadians across this country.

[*Translation*]

Mr. Rhéal Fortin (Rivière-du-Nord, BQ): Madam Speaker, I thank my colleague for his speech. He is a passionate man who, in my opinion, respects the rights and freedoms of individuals and peoples. I have two questions for him.

First, am I to understand from his speech that he supports the Constitution Act, 1982, except for section 33?

Second, does he believe that the same reasoning should apply to all peoples of the world; in other words, that all peoples, including in Sri Lanka, where he is from, should be free to decide on certain laws, but only on the condition that they abide by certain dictates of the United Kingdom, for example?

• (1245)

[*English*]

Mr. Gary Anandasangaree: Madam Speaker, we have an international human rights instrument that defines fundamental rights and freedoms. The Canadian Charter of Rights and Freedoms is a reflection of that in many ways, and in some ways it has gone much further than international norms.

I think it is important that we all abide by a basic set of values; sections 7 to 15 of the charter are critical components of the protection of rights for individuals. As a result, I think that any derogation of that should be thoughtful, should not be pre-emptive and should be able to withstand the test of the court. Therefore, it is important that, while section 33 is in the 1982 Constitution, it should not be used lightly.

Mr. Charlie Angus (Timmins—James Bay, NDP): Madam Speaker, I am really pleased we are having this discussion because whether we stand up for the Canadian Charter of Rights and Freedoms or not is something we have to confront. We either have constitutional rights for the protection of minorities or we do not. It is becoming very concerning when we see how laws are being crafted that target Muslim Canadian women, resulting in them being fired. We saw provincial governments using this tool to strip labour rights from low-paid workers, allowing these governments to evade review by the courts and stripping away minorities' rights to actually question whether a law is fair or valid.

I would ask my colleague this: Is the federal government willing to stand up for the Canadian Charter of Rights and Freedoms, or is

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it going to continue to wring its hands and say that it is unfortunate any time a provincial government decides it is easier to just arbitrarily strip away rights out of the Constitution? Are we going to protect the Constitution and the charter, or are we just going to say that what is happening is really not nice?

Mr. Gary Anandasangaree: Madam Speaker, I value the opportunity to respond to this.

The Prime Minister has been absolutely clear that Canada is a country of the charter. We are the party of the charter. Our government is very much committed to ensuring that charter values are protected for all Canadians. I can assure the member opposite that the Minister of Justice, the Prime Minister and our whole government will defend charter rights every step of the way.

[*Translation*]

Mr. Martin Champoux (Drummond, BQ): Madam Speaker, it is my turn to congratulate my Liberal colleague on his speech.

I asked my colleague from Trois-Rivières a question earlier, and I was expecting his answer. I will say that quite candidly.

I would like to ask my colleague opposite the same question. Quebec is recognized as a nation in its own right with its own language, culture, values and model for living in harmony, which is different. This model often needs to be defended because it is misunderstood and not always respected.

If this notwithstanding clause were not in the Constitution, which we did not sign, by the way, what would Quebec have left to protect its values and its vision for living in harmony?

I would like to hear what my colleague has to say about that.

[*English*]

Mr. Gary Anandasangaree: Madam Speaker, I think it is fair to say that my colleague opposite is strongly defending what he believes is the right thing to do in Quebec. When my family came to Canada, Quebec was the first place we stayed, so I understand Quebec society fairly well.

It is in many ways a model society when it comes to the protection of minorities within the context of a country such as Canada, and of course, there is more to do. However, using the notwithstanding clause and doing it pre-emptively is not the way to protect Quebec society. I would suggest that Quebec has a lot to offer to the world, and as Canadians, we all have an obligation to make sure that Quebec—

• (1250)

The Assistant Deputy Speaker (Mrs. Alexandra Mendès): We have to resume debate.

The hon. member for Aurora—Oak Ridges—Richmond Hill.

Ms. Leah Taylor Roy (Aurora—Oak Ridges—Richmond Hill, Lib.): Madam Speaker, it is with great pleasure that I rise today as the member of Parliament for Aurora—Oak Ridges—Richmond Hill to speak to this very important issue. The Canadian Charter and Rights and Freedoms is such a fundamental part of who we are and Canadian values.

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I wanted to start by reading a few quotes from the origins of the Bills of Rights, with John Diefenbaker, up until now. The Hon. John Diefenbaker said:

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

That was in 1960, as we know, when the Bill of Rights was first introduced.

The right hon. Prime Minister Pierre Elliott Trudeau, back in 1981, prior to the Charter of Rights and Freedoms, said:

We must now establish the basic principles, the basic values and beliefs which hold us together as Canadians so that beyond our regional loyalties there is a way of life and a system of values which make us proud of the country that has given us such freedom and such immeasurable joy.

More recently, on the 40th anniversary of the Charter of Rights and Freedoms, April 17, 2022, our current Prime Minister eloquently stated:

The Charter protects the rights and freedoms that define who we are as Canadians, allowing us to express our individuality and celebrate our differences. Built around our shared values of equality, justice, and freedom, it brings us closer as a country and as a people – and it makes Canada a place of choice for people from across the globe to raise a family.

I know that so many of the constituents in my riding value these rights and freedoms and the fact that they are enshrined in our Constitution.

It is with concern that I hear this opposition motion, and I am concerned that we are talking about the use of the pre-emptive resort and the increasing use by provinces, certain provinces, of the notwithstanding clause of the Canadian Charter of Rights and Freedoms in an attempt to short-circuit our courts from determining whether provincial legislation violates constitutionally enshrined fundamental rights and freedoms, as well as to avoid public debate on the issues.

We have recently seen in Ontario the Keeping Students in Class Act, which is not very aptly named in my mind, but which would, if enacted by the legislature, effectively remove the right to collective bargaining, a right protected by section 2 of the charter, which guarantees freedom of association. That is the use of the notwithstanding clause.

Many of the speakers today have talked about the increase in the use of this clause. When the Charter of Rights and Freedoms was entrenched as part of the Constitution Act of 1982, Canadians were proud to see fundamental rights and freedoms constitutionally guaranteed and protected, including freedom of conscience and religion; freedom of thought, belief, opinion and expression; freedom of peaceful assembly; and freedom of association.

It includes legal rights, including the right to life, liberty and security of the person; rights guaranteeing the quality before and under the law; and rights guaranteeing equal protection and equal benefit of that law. Of course, these rights are subject to such reasonable limits proscribed by law, as can be demonstrably justified in a free and democratic society. That is provided in section 1 of the charter.

The advent of the charter 40 years ago was a milestone in the protection of fundamental rights in Canada, and I believe that it put Canada on the map for human rights protection. Part of it was the inspiration of the Bill of Rights, as I have already mentioned, pioneered by the Hon. John Diefenbaker.

It was a quasi-constitutional statute, deserving of a large and liberal interpretation, but it was simply a federal statute nonetheless, and the courts were cautious in applying it, particularly in a context of parliamentary sovereignty, where a future parliament could undo the handiwork of an earlier parliament by enacting new legislation inconsistent with the earlier legislation.

● (1255)

The tension between protecting fundamental rights and recognizing the continued sovereignty of Parliament was reflected in section 2 of the Canadian Bill of Rights, which provides:

Every law of Canada shall, unless it is expressly declared by an Act of the Parliament of Canada that it shall operate notwithstanding the Canadian Bill of Rights, be so construed and applied as not to abrogate, abridge or infringe or to authorize the abrogation, abridgment or infringement of any of the rights or freedoms herein recognized and declared

In other words, the Bill of Rights stated that laws enacted by Parliament were to be interpreted and applied in a manner that would not abridge or infringe on the rights and freedoms recognized and affirmed by the Bill of Rights, unless Parliament expressly declared that the law should operate notwithstanding the Bill of Rights.

The Canadian Charter of Rights and Freedoms goes much further in the protection of human rights and establishes a better balance between such protection and legislative action. By section 1, the charter constitutionally guarantees the rights set out in it, subject only to the reasonable limits clause. It ensures a respectful democratic dialogue can take place between Parliament and the provincial legislatures, on the one hand, and the courts of justice, on the other, within the scope and limits of guaranteed rights and freedoms.

However, in the political compromise that led to the final form of the charter in November 1981, a notwithstanding clause that echoed section 2 of the Canadian Bill of Rights was grafted onto the charter in section 33. That clause provides:

Parliament or the legislature of a province may expressly declare in an Act of Parliament or of the legislature, as the case may be, that the Act or a provision thereof shall operate notwithstanding a provision included in section 2 or sections 7 to 15 of this Charter.

Those are the provisions guaranteeing fundamental freedoms, legal rights and equality rights.

Many commentators have noted, and I agree, that it was a heavy price to pay to achieve substantial consensus among the provinces to move ahead with the patriation of the Constitution and the entrenchment of our Charter of Rights. However, politics is the art of the possible, and this was what was possible and necessary to achieve the consensus.

Section 52 of the Constitution Act, 1982, declares, “The Constitution of Canada is the supreme law of Canada”. Parliament and the provincial legislatures derive their powers and authority from the Constitution and from no other source, as the Supreme Court underscored in the secession reference in 1998. We have constitutional supremacy rather than parliamentary supremacy in Canada, as well as a political culture that values fundamental rights, democratic debate and the rulings of our courts as guardians of the Constitution. Parliament and the legislatures are sovereign within the spheres of authority allocated to them by the Constitution and within the limits of the charter's guarantees.

Section 33 of the charter was conceived as a tool of last, not first, resort. It was rarely invoked for many years, but it has become much more common. However, it should only be contemplated in the most extraordinary circumstances.

Our government has made it consistently clear that it has serious concerns with the pre-emptive use of the notwithstanding clause by provincial governments, and we are considering various options. We are firmly committed to defending the rights and freedoms protected by the Canadian Charter of Rights and Freedoms. In the dialogue between Parliament and the courts, the first word should not be the last.

Although the use of the notwithstanding clause is legal, it has serious consequences because it has the effect of suspending legal protections guaranteed by the Canadian Charter of Rights and Freedoms, and these are basic values that I believe all Canadians share.

We believe that a government that uses a remedy of this magnitude must set out the exceptional circumstances that justify the suspension of these legal protections. Our government is concerned when governments use it in a pre-emptive manner before the debate has begun or the courts have ruled. This is not, in our respectful view, in keeping with Canadian values of democracy and the rights of the individual.

[Translation]

Mr. Denis Trudel (Longueuil—Saint-Hubert, BQ): Madam Speaker, we in the Bloc always feel that when Quebec rises in the House to defend its uniqueness, it is seen as a little suspicious. However, my Liberal friends saw Prime Minister Trudeau some time ago visit certain countries, dress up and put on all kinds of costumes—

• (1300)

The Assistant Deputy Speaker (Mrs. Alexandra Mendès): I would remind the hon. member that the names of current members are not to be used.

The hon. member for Longueuil—Saint-Hubert.

Mr. Denis Trudel: Madam Speaker, so we saw the Prime Minister putting on costumes from all kinds of nations, which is fine and which we totally respect. However, when it comes to supporting the fact that Quebec is a specific minority, with specific values, history and way of life, it is always treated with suspicion in the House.

Today, the notwithstanding clause that we are defending is precisely the ability to defend this specificity within the federation. What I am clearly hearing is that Quebec should not keep this right.

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I see that the only solution is for Quebec to become a country. When we become independent, we will be able to take complete responsibility for everything we are, including our language, our culture and all our values. That is the best I can hope for for the Quebec nation as a whole.

[English]

Ms. Leah Taylor Roy: Madam Speaker, I do not believe we are suspicious of the intentions of the Bloc Québécois. I believe that the distinct culture and history of Quebec is something that has added greatly to our nation and it is something I value greatly. I believe that having laws that work for Quebec is very important, but I do believe that the fundamental rights and freedoms of Quebecers and all Canadians should be respected, and that the notwithstanding clause should only be used in very exceptional circumstances.

The concern we have expressed today is really about the increased use of that notwithstanding clause in a pre-emptive fashion.

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Madam Speaker, I want to pick up on my colleague's very last point where she talked about the pre-emptive nature. The example I have been providing is that of the province of Ontario with regard to labour issues that impacted literally thousands of labour people, people working in our teaching profession. Using a pre-emptive attitude toward the notwithstanding clause, I and many members of our caucus felt, was just wrong.

I wonder if she could expand upon her thoughts in regard to whether they are using the notwithstanding clause in that pre-emptive fashion.

Ms. Leah Taylor Roy: Madam Speaker, as my colleague knows, I feel very strongly that, in that particular case, it was not an appropriate use of the notwithstanding clause. Those are basic fundamental rights of Canadians. A premier should, in my mind, need to respect those fundamental rights. When one brings in a piece of legislation, especially one that prevents teachers and workers in our education system from collectively bargaining, I feel that is a perfect example of why this is of such concern to us.

I hope the members of the Bloc Québécois share that concern, that need to protect the fundamental rights and freedoms of our workers and their right to collective bargaining.

[Translation]

Mrs. Julie Vignola (Beauport—Limoulou, BQ): Madam Speaker, I listened carefully to my colleague's speech. Time and time again, she talked about the importance and beauty of freedom and equality.

Indeed, I agree with that. Just because we use the notwithstanding clause does not mean that we undermine freedom. I will give an example. The law that created the Court of Quebec's youth division states that it is not open to the public. It discriminates between youth and adults, but that is precisely how we protect the youth.

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Does the use of the notwithstanding clause in that case undermine the freedom, equity and beauty which can be observed in Quebec and the rest of Canada? Where does my colleague draw the line? For what subjects should a line be drawn?

• (1305)

[*English*]

Ms. Leah Taylor Roy: Madam Speaker, I do not pretend to know where to draw the line. I trust our court system for this. We have established case law. I believe, in cases like that, the wisdom of the court would see the beneficial effect of that.

Why use the notwithstanding clause? Why not put this forward and see if there is a challenge? If there is, let our courts decide.

[*Translation*]

Mr. Martin Champoux (Drummond, BQ): Madam Speaker, let me begin by saying that I am not the star of this part of the show. I am merely opening for my colleague from Berthier—Maskinongé, and I am honoured to do so.

I love Quebec. I had the good fortune and great privilege to travel the continent in my previous job, and I have visited places around the world for pleasure. Everywhere we go, when we say we are from Quebec, people are curious. What is the deal with Quebec, anyway? Why will it not just melt into the English sea of North America? What is up with that place, where people do not eat the same foods or wear the same clothes as people in the rest of Canada? Just look at the member for Longueuil—Saint-Hubert. He toned it down today, but he usually dresses to impress.

What is going on with this province, where the vast majority of artists would rather work in their own language than tap into the riches of the anglophone market at their doorstep? The entire nation steps up to demand that Quebec's artists get the space they deserve on our radio stations, on TV, in our theatres and on streaming platforms.

Bill C-11 was briefly discussed earlier. My colleague from Charlesbourg—Haute-Saint-Charles talked about it in his speech this morning. Bill C-11 really highlighted the difference between Quebec and the rest of Canada. Whereas the cultural industry and community in Quebec mobilized to defend the distinct nature, specifically, of French language and culture, the rest of Canada had other concerns and opposed the bill for different reasons, reasons relevant to the rest of Canada. That is fine, but it proves once again that there are major differences.

I will continue to talk about those differences. What about this nation where women marry without taking their spouse's name? That is, when they do get married because fewer people in Quebec marry than in the rest of Canada. It is not because we are not beautiful or not in love. It is simply that we do not think the same way. It is a nation where parents, increasingly, give their children their mother's last name. That is quite new.

Abroad, people ask us what everyone thinks about the fact that Quebec rejects the exploitation of fossil fuels in favour of renewable energy and that it prefers electric cars to pickup trucks that are too large for our needs.

How does one manage a nation that wants to protect its language and culture, its fundamental values and its societal model at all costs? That is often the crux of the issue. We have differences of opinion on what integration should look like, on what society should look like. Quebec is open, but it also requires openness from those who want to integrate. We are not talking about openness to the point of forgetting oneself and melting into a homogeneous lump. No, that is not what we want at all. What we want is an openness to the fundamental values that form the bedrock of Quebec's society: equality between men and women, the separation of church and state, and French as the official language and as the common language.

Some members of the House may not know this, but Quebec has a declaration that immigrants who want to settle there must agree to abide by. It reads as follows:

Québec is a pluralist society that welcomes immigrants who come from the four corners of the earth with their know-how, skills, language, culture and religion.

Québec provides services to immigrants to help them integrate and participate fully and completely in Québec society in order to meet the challenges of a modern society such as economic prosperity, the survival of the French fact and openness to the world. In return, immigrants must adapt to their living environment.

All Quebecers, whether they are native-born or immigrants, have rights and responsibilities and can freely choose their lifestyle, opinions and religion; however, everyone must obey all laws no matter what their beliefs.

The Québec state and its institutions are secular; political and religious powers are separate.

All Quebecers enjoy rights and freedoms recognized by the *Charter of Human Rights and Freedoms* and other laws and have the responsibility of abiding by the values set forth in them.

It then goes on to talk about common values. I named three of them earlier.

The principal values set forth in this Charter, which are the foundation of Québec society, are as follows:

Québec is a free and democratic society.

Political and religious powers are separate in Québec.

• (1310)

Québec is a pluralist society.

Québec society is based on the rule of law.

Women and men have the same rights.

The exercise of human rights and freedoms must respect the rights and freedoms of others and the general well-being.

Québec society is also governed by the *Charter of the French language*, which makes French the official language of Québec. Accordingly, French is the normal and usual language of work, instruction, communications, trade and business.

These are important reminders that should be made as often as possible in the House, because we have noticed that people tend to forget. It is not us who forget them. We remember them all too well.

Business of Supply

It is no secret that the reason behind the resurgence of the current debate on the notwithstanding clause has a lot to do with Quebec's recent use of section 33 in the case of a bill that deals with the French language and state secularism. Public debate often comes back to the path Quebec has taken over the past 75 to 80 years. In fact, it was in the 1960s that the differences really started to be more strongly felt.

The affirmation of Quebecers, the affirmation of their values, is the desire to have their values and their vision of society recognized without embarrassment, without shame. We broke free from something. It was a long process, but we broke free. We wanted a secular society with religion on the sidelines, because the Catholic Church held sway over Quebec society for far too many decades. We wanted a society where the Church did not meddle in everything.

I am a child of that generation. I studied in a religious school in the 1960s. I was an altar boy. We went to church every Sunday, sometimes more often, depending on my mother's mood, so I completely understand why Quebec society evolved the way it did, an evolution that led to the removal of religion from the affairs of the state. I am not talking about people rejecting religion. People have the right to practise their religion. In Quebec, everyone thinks that everyone has the right to believe in what they want, but these beliefs and religious convictions are practised in private. It is not something that is practised in any public services offered by the government.

When we understand and clearly explain this evolution, we also understand Quebecers' vigorous protection of the separation of church and state. The problem is that as the years go by, those who have witnessed this evolution are being heard less and less. Therefore, it is even more pertinent today not to fall into the trap of wedge politics. This seems to be the Prime Minister's approach. I will cite an example from yesterday, when we heard him say that the Bloc Québécois does not give a damn about francophones outside Quebec. How shockingly insulting.

I will come back to Bill C-11, the former Bill C-10, a bill that the Bloc Québécois worked on with francophone associations across Canada, Acadians from New Brunswick and francophones outside Quebec across the country, to present with one voice the importance of promoting all of Canada's francophone culture in our broadcasting system. Hearing that yesterday was an unacceptable insult.

Let us not fall into the trap of allowing ourselves to be divided. Avoiding that is the only way to build a society in which we can collaborate despite our differences. We certainly have differences. Regardless of the kind of society we develop over time, whether it is within a somewhat functional Canada or within an independent Quebec that will be a good partner and a good neighbour, we will have to learn to keep the lines of communication open, to talk to one another, understand one another and respect one another if we want to work in a productive and intelligent way. Failing that, it will be a constant battle.

To hell with populist rhetoric, and to hell with misinformation. As I said, the notwithstanding clause, although not there to be used all the time, is an important tool for preserving Quebec's vision for a secular society and for preserving and protecting Quebec and its

core values, values that may offend some people who might not understand Quebec's reality.

• (1315)

[*English*]

Mr. Mark Gerretsen (Parliamentary Secretary to the Leader of the Government in the House of Commons (Senate), Lib.): Madam Speaker, the problem with the notwithstanding clause in recent years has been the pre-emptive use of it. I specifically think of the most recent example in Ontario where Doug Ford, the Premier of Ontario, used the notwithstanding clause to pre-emptively limit the ability for teachers to strike.

Bloc members will come into the House and quite often talk about how they encourage and are great supporters of the labour movement and of unions specifically. Would the member from the Bloc support the use of the notwithstanding clause by the Quebec government if it were doing what Doug Ford had done, which was to limit the rights of teachers to collectively bargain? I hope the member can answer that rather than—

The Assistant Deputy Speaker (Mrs. Alexandra Mendès): The hon. member for Drummond.

[*Translation*]

Mr. Martin Champoux: Madam Speaker, I will not comment on that specific matter.

The fundamental issue is that it is up to the legislatures and to the Quebec National Assembly to determine the use of the notwithstanding clause. Later, if it needs to be contested, it can and will be. The right to invoke the notwithstanding clause also implies that we sometimes make mistakes, which is why the courts can get involved.

As for the pre-emptive use of the notwithstanding clause, the 1988 Ford decision by the Supreme Court said that it could not be opposed. Honestly, the pre-emptive use is quite a bit cheaper for society than the obligation to defend or to challenge it using lawyers and thousands or millions of dollars to arrive at the same result.

Mr. Pierre Paul-Hus (Charlesbourg—Haute-Saint-Charles, CPC): Madam Speaker, I listened carefully to my colleague and I agree with him on the vast majority of his speech. As Quebecers, we all want what is best for Quebec, for our culture and for our way of being. On that note, I support him 100%.

On the other hand, one thing is certain: If my colleagues want sovereignty, they should get elected to the Quebec National Assembly, because that is where it is going to happen, not here in Ottawa.

My question is about Bill C-11. The bill contains provisions to protect French, as well as francophone and Quebec culture, of course. What worries me is the effect of the bill on the control of information on platforms and the possibility that the federal government and the Canadian Radio-television and Telecommunications Commission will decide, as some countries do, to change the algorithms to prevent foreign content on our platforms.

As a Quebecer, does my colleague not see this as a significant danger?

Business of Supply

Ms. Rachel Bendayan: Madam Speaker, I rise on a point of order.

The member's question is completely unrelated to the debate at hand.

The Assistant Deputy Speaker (Mrs. Alexandra Mendès): I have to give the member some leeway, especially since reference was made earlier to Bill C-11.

The hon. member for Drummond.

Mr. Martin Champoux: Madam Speaker, that is excellent. I was just about to say the same thing. I think that the question is a valid one, because I referred to Bill C-11 in my speech when talking about the differences in views between the rest of Canada and Quebec.

In answer to the question from my colleague from Charlesbourg—Haute-Saint-Charles, I would say that there have indeed been concerns about the possible manipulation of algorithms or their control over the web giants for rather nefarious purposes. However, that is not what Bill C-11 seeks to do.

One way or another, the Canadian Radio-television and Telecommunications Commission needs to be able to see that the objectives are being met. The CRTC is not being given the power to control social media algorithms, which is something that I do not agree with. However, I do agree that the CRTC should take all possible and necessary steps to ensure that the objectives of the Broadcasting Act are being met. That is the distinction, and perhaps we have different views on the way it is written. However, my colleague's question is a legitimate one.

● (1320)

Ms. Rachel Bendayan (Parliamentary Secretary to the Minister of Tourism and Associate Minister of Finance, Lib.): Madam Speaker, further to my Conservative colleague's question and given that this is the second question that the Liberal government can ask, I wonder if the Bloc knows why the Conservatives do not want to get involved in this debate. I note that the Conservatives have not yet taken a position on the Bloc motion before us today.

Perhaps my colleague can enlighten us.

Mr. Martin Champoux: Madam Speaker, the short answer is no.

The long answer is that I assume that the Conservatives have read the Bloc Québécois's motion, that they think that it is simply common sense, and that they are waiting until the end of the day to come out in support of it.

Mr. Yves Perron (Berthier—Maskinongé, BQ): Madam Speaker, I am pleased to speak on this topic today.

I just want to take a few seconds at the beginning of my speech to send my best wishes to the families affected by the tragedy in Laval yesterday, as this is the first time I have had the opportunity to do so in the House. My heart goes out to them.

The motion today is much simpler than many parliamentarians seem to think. It is a reminder of how this provision is written and what function it has served for the last 40 years or so. It works.

The intent of today's motion is not to change anything, it is to remind the government that there is only one part of the Constitution—which we are forced to live with—that we can rely on when we need to protect our uniqueness. I ask members not to fall into the ridiculous trap of asking me to recognize this Constitution today. Everyone already knows the answer. We are simply asking that this part, at least, be respected. That is what we are doing today.

I am going to go back to a couple of comments that were made today. The member for Charlesbourg-Haute-Saint-Charles wonders why the Bloc is still here. It is because we are hard-working people and we do not give up on our cause. Of course, we would have liked it to take less time, but it has not happened yet. Until it is done, we need to be here to salvage what we can. We are doing an excellent job and we will keep doing it whether they like it or not. What I think is a little more outdated is Conservative populism. I would encourage them to come up with constructive solutions rather than sloganeering all day long.

As for our colleague from Lac-Saint-Louis, who was referring to what a beautiful, great country Canada is, I could not agree more. It is a great country. However, I regret to inform him that it is not mine, and I will explain why.

Today we are talking about the Constitution, which we have to live with even though the people of Quebec never agreed to it. Governments of Quebec never agreed to it. This is not a new thing. It has been going on for some time. I think this is yet another attempt to weaken Quebec and its ability to protect its social integrity, its unique society and its pursuit of true community, which is stronger than individualism. These are conflicting visions. If that is not the intention, I would like to hear it from government members.

I would sure like to give a little history lesson so people here can see that every constitutional law ever passed was not approved by Quebec. Anytime such a law benefited Quebec a bit, it was only because people wanted to use us. In this Confederation, one government is dominating another, and that does not always work for us. Actually, it never works for us. It should not even be called a confederation. If it really were a confederation, we might have far fewer problems.

The Constitution contains the notwithstanding clause, which allows us to pass reasonable laws collectively. Later on, I will share some examples of reasonable laws so my colleagues can see that this is of vital importance to Quebec, contrary to all the other anti-francophone laws that have been passed in Canada's history and to the federal government's determination to always block Quebec's emancipation.

I would also like to remind the House that Quebec's relative weight within Canada is constantly—

● (1325)

The Assistant Deputy Speaker (Mrs. Alexandra Mendès): Order. I have to interrupt the member for a few seconds.

Could we please make sure that there is no noise coming from the lobbies?

Business of Supply

The hon. member for Berthier—Maskinongé.

Mr. Yves Perron: Madam Speaker, I was reminding my hon. colleagues, who are having a discussion, that Quebec's weight within this federation is shrinking steadily and that it is essential to preserve this democratic tool. That is what this is about. It is a democratic tool that is used regularly by the Quebec government.

I heard all sorts of things today. Members said that it was used in an exceptional way and that we needed to add some guidelines. The notwithstanding clause has been invoked for 41 acts in Quebec. That does not seem that exceptional to me.

Earlier, my colleague from Rivière-du-Nord listed some of those acts. I will repeat them quickly. Regarding the agricultural succession act, it was applied—

The Assistant Deputy Speaker (Mrs. Alexandra Mendès): I apologize, but I must again interrupt the hon. member.

[*English*]

I ask the colleagues who are speaking in the chamber to please go to the lobby to pursue conversations.

The hon. member for Berthier—Maskinongé.

[*Translation*]

Mr. Yves Perron: Madam Speaker, regarding the bill on farm succession, as a society, Quebec has decided to give young people a leg up as they are starting out in agriculture. This is certainly discriminatory, because it provides them with financial support that we are not offering to older people. The notwithstanding clause is being used. It may come as a surprise, but we are talking about ordinary laws.

The notwithstanding clause in the Employment Equity Act has been used to encourage the hiring of women and visible minorities. As my colleague from Rivière-du-Nord mentioned earlier, lawyers are not allowed in small claims court, so that people can avoid having to mortgage their homes to defend cases involving smaller amounts of money. Otherwise, someone could say they have a right to a lawyer and scrap the whole system. It is used in intelligent ways like that.

Is it really unreasonable to protect children's privacy in cases involving the rights of youth? I think the Quebec government has demonstrated that it is reasonable.

As I was saying earlier, today we are seeing a clash of cultures. The 1982 Constitution was imposed on us. We live with it because we do not have a choice and because a court decided that it was all right. Now we are being asked to give up the opportunity to use the notwithstanding clause and to give this power to those same judges. Seriously?

We are talking about the power of elected members to get elected, to make collective choices and to present their vision of society to their voters. Today individualism is being pitted against collective values. In Quebec, we decided that we live together with shared values, and we want that to continue to work.

The federal government constantly obstructs the work we have to do as administrators. We saw it again this week. We cannot get our

own damned money back so we can manage our hospitals. Federal laws constantly interfere with Quebec's laws. There is constant duplication of legislation, especially in immigration, which was mentioned by someone earlier, and horrible delays are created by the federal government. That is a constant.

When we do get a reasonable measure we can use to create our own laws and protect them, we are told that we cannot use it unless we spend 10 years in court first. Let us be reasonable.

The motion is not revolutionary. We are calling on the government to acknowledge the contract it made behind our backs and have a modicum of decency and respect it.

Quebec needs it to protect our language. Who could blame anyone who arrives in Quebec from anywhere else from opting for English, when they realize that using English is no problem and there is a pool of 400 million anglophones around? That is why we need legislation.

As far as religion is concerned, it was mentioned earlier, people are pitting Canada's model of religious neutrality against the model of secularism that we have chosen in Quebec. Quebec has a history with this. One day we finally had enough and said everyone can have their own religion, but not in the government. Individual rights get mixed up when we have these debates. My individual right ends where the rights of others begin. If I represent a government, then I should not be imposing my personal symbols on people I welcome or serve. It is as simple as that. It is not discrimination, but because of the Constitution, which we did not sign, we have to use this notwithstanding clause. We need it. It is a democratic tool.

I want members of the House to stop with the rhetoric about the big beautiful country where everyone is different. I would like them to try for just 30 seconds to stop trampling over and muzzling Quebec. Any time the least little thing happens, the government lets a bit of time go by and then finds another way to try to once again bury Quebec and deprive it of its tools.

• (1330)

Fortunately, the Bloc Québécois is still in Ottawa after all these years. It is a good thing we are here to hold down the fort. Today, Quebec is faced with a choice. It can assimilate into the Canadian model or retain its differences and become independent. I think the choice is becoming more and more obvious. Long live independence.

Ms. Rachel Bendayan (Parliamentary Secretary to the Minister of Tourism and Associate Minister of Finance, Lib.): Madam Speaker, my colleague said that this was not his Constitution.

However, the Bloc Québécois is currently defending section 33 of that same Constitution, the same Constitution that guarantees the Bloc's right to participate in this Parliament and the same Constitution that enables my colleagues to hold this debate today.

What other sections of this Constitution that is not his would he like to keep besides section 33?

Mr. Yves Perron: Madam Speaker, my answer is quite simply “none” because I did not sign that contract.

Business of Supply

When I said that this was not my Constitution—and by the way, I also said that I am not arguing with the fact that this is a big beautiful country—I was repeating what someone else had said. I was explaining that it is too bad but that this country is not ours because we were not shown any respect in the way the administrative system was implemented.

If one day my colleagues want to stop wondering why there are still separatists, then they need to start by showing Quebec some respect and recognizing what Quebec actually is in everyday life.

Mrs. Julie Vignola (Beauport—Limoulu, BQ): Madam Speaker, I would like to come back to something that my colleague briefly touched on at the end of his speech because members do not seem to understand these three overlapping concepts: secularism, religious neutrality of the state, and state secularism.

In the spirit of good communication and a better understanding between cultures that live side by side but that do not always understand each other because they are different, can my colleague quickly explain the difference between these three concepts?

The Assistant Deputy Speaker (Mrs. Alexandra Mendès): I would ask the member for Berthier—Maskinongé to keep his answer brief.

Mr. Yves Perron: Madam Speaker, that is going to be a challenge.

Here is what is at issue here.

Canada has chosen a neutral model, in other words, everyone can display whatever symbols they want. That is fine. It does not bother the Bloc Québécois that Canada is multicultural. What we want is the power to keep our own model. That is what neutrality is.

In Quebec, we made a different choice. We chose to ensure secularism to preserve the right to neutrality of every citizen coming in to contact with the government. We decided the government should have no religion.

That is the difference, and the notwithstanding clause allows us to do that.

• (1335)

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Madam Speaker, first I would like to ask the member what he is afraid of. Why does he seem to be afraid of having an open, democratic debate on the use of the notwithstanding clause down the road in a legislature in public, in front of the media?

I thought I heard him or someone else say earlier that this would not amount to anything, that too much money would be spent going to court only to arrive at the same conclusion.

My second question is, does the member want Quebecers' rights to be determined by money?

Mr. Yves Perron: Madam Speaker, I thank my colleague for his questions. However, there is some confusion.

First, am I afraid? Not too many things scare me. We are here to debate. What we are trying to stop, and not because we are scared, is the federal government's centralizing tendency.

I did not give a history lesson earlier, but I am going to give a short one now. I remind members that since 1867, the famous John A. Macdonald, who is loved by some and hated by many more—I will not join that debate—wanted a hypercentralized federation. The people representing Quebec at the time decided to join because they needed a common market. They received guarantees that certain matters would be the sole jurisdiction of their government. These guarantees have not been upheld, and this is yet another attempt to interfere.

The other example mentioned by my colleague is just one of the many arguments, but this is not strictly about money. It is also about respecting the contract that they made behind our backs. Is that so hard?

[English]

Mr. Mark Gerretsen (Parliamentary Secretary to the Leader of the Government in the House of Commons (Senate), Lib.): Madam Speaker, I will be sharing my time with the member for Winnipeg North.

I would like to start my debate contribution today by addressing one of the more recent points from the Bloc member who spoke before me. He said that this Constitution has been forced upon Quebecers. I would remind the member that Quebec has decided, not once but twice, not to leave Canada. As recently as 1995, which would have been after the 1982 Constitution came along, Quebecers chose not to leave. Despite the fact that the Bloc will come into the House and assert a degree of sovereignty over Quebec, I would remind him that the majority of Quebecers have decided to stay within the country of Canada.

Quite frankly, as a member from Ontario, I am very grateful for that. I think our country is so rich and diverse because of the incredible contribution we have from Quebec, the culture and the diversity. It is a relationship that no doubt has been difficult from time to time over the years, but a relationship that has made this country a better place. It has not just added to the cultural vibrancy and diversity, but it has encouraged us to tackle the challenging issues around this relationship and it has made Canada a better country.

My issue with this particular motion today is not that I see the notwithstanding clause as being a problem when it was originally put into our Constitution years ago. I see it as a problem now because of the pre-emptive nature of the way in which it is being used. I will focus my comments primarily on the use of it in Ontario recently; however, it definitely links back to some of the comments that the member for Drummond made earlier, and I will address those in a moment.

Let us talk about Doug Ford's pre-emptive use of the notwithstanding clause. Right after Doug Ford was elected premier, one of the first orders of business, oddly enough, was to determine the makeup of the Toronto city council. Do not ask me why he did that, as a new premier of Ontario, one of the largest provinces in the country. I do not understand why that had to be a job for day one, but it was. He put into his legislation the pre-emptive use of the notwithstanding clause.

Business of Supply

The problem is that, when people use the notwithstanding clause in a pre-emptive fashion like this, they are basically saying, “I don't care if the law I am making is constitutional. I don't care if the court will uphold it. I am not even interested in arguing my case with the court to try to prove that what I am doing is right.” What they are basically saying is that they do not care about any of that because they do not care about the law or the Constitution. That is effectively what is happening when the premiers are trying to use it in a pre-emptive fashion.

On day one, Doug Ford did that. He then did it again, in 2021, with the Protecting Elections and Defending Democracy Act, which ultimately received royal assent, on June 14.

The most recent time Doug Ford utilized that clause, which I brought up in one of my questions, he used it as a pre-emptive tool to prevent teachers from having the ability to negotiate in good faith. Imagine that. Teachers, like all organized labour, have the right afforded to them in our country to negotiate their union's position in a collective manner. That is a fundamental right with organized labour in our country, and I would argue in most developed countries, especially ones that operate under a democratic system like ours. Here we have a premier saying he does not really care about their ability to negotiate. He does not care about whether they want to do that. He is just going to supersede it before even bringing in a law and determine that they do not have the right to do that.

• (1340)

I found it most interesting when I brought this up a little while ago and asked the member for Drummond what I thought to be a very legitimate question. I have concerns about that. I believe in the collective bargaining process. I believe in union rights. I believe that unions should have the ability to negotiate in good faith. I always thought that Bloc Québécois members felt the same way. They have always come in here and talked about unions, the strong labour movements and the need to have a strong labour movement, so I asked the member for Drummond a very simple question: Does he believe that Quebec should have the right to trample on those union rights the same way Doug Ford did? The member for Drummond just attacked my question and basically said that the provinces should have the right to use it in their own way, which is a de facto way of saying he supports it.

I am left to believe that the Bloc Québécois is okay with a province, including Quebec, using the notwithstanding clause to strip away the rights of a union to negotiate. That leaves me with the conclusion that the most important thing to the Bloc Québécois, above any rights out there, is power and ensuring that the province has the power to trample over top of any legislation. That is effectively what they are saying by not answering that question and not coming clean by at least saying Doug Ford went above and beyond. They could have said that. The member for Drummond could have stood up and said that maybe Doug Ford went a little too far, but the member did not do that, because the Bloc is afraid of giving an inch on this. Bloc members do not ever want to suggest that there might even be a time when it is not appropriate to use it.

I think anybody out there who is watching this debate, or considering the disregard the Bloc has for those rights in an attempt to ensure that power is retained, should be concerned because, as my

NDP colleague from B.C. said earlier, we live in a country based on the rule of law. We live in a country based on a Constitution that affords certain rights and responsibilities. We are required to ensure that those are upheld, and one of them is the right of organized labour to negotiate, and, in particular, unions.

I will end where I started this, which is by saying that I am extremely concerned when provinces start to pre-emptively use this tool, because what they are saying is that they do not care if what they are doing is unconstitutional; they are doing it anyway, and that is problematic. That should concern every citizen, because Doug Ford has maybe done it only three times, but it pretty much had never been done in Ontario before that.

Doug Ford and the Conservative government in Ontario are just testing the waters. They are banking on the fact that eventually people will not really care about it, because it will have happened a bunch of times and life still goes on. We have to be careful about this. We have to protect this, and we have to ensure that people's rights that are afforded to them under the Constitution are not infringed upon as a result of the abusive use of the notwithstanding clause.

• (1345)

[*Translation*]

Mr. Yves Perron (Berthier—Maskinongé, BQ): Madam Speaker, since I was referred to directly, I will ask my colleague a question.

There are a number of points to address. Some big things are being said, and I would like to refocus the debate. Nobody here agreed with the Premier of Ontario's decisions. We did not. All we said was that these issues should be dealt with within the province. The public outcry has done its job, I think.

Just because something less acceptable has been done elsewhere, that does not mean that we should accept diminished autonomy for Quebec, which did not do anything like that. That is the first correction that I wanted to make.

I will now make a second correction. My colleague says that Quebecers said “no” to independence twice and that they are happy to be in Canada. Quebecers and the Quebec government never signed this Constitution. Quebecers were duped twice by the kind of promises and sweet talk that can be heard here all week long when things are not too serious. In 1982, they said that they were putting their seats on the line to change the Constitution, and then this Constitution was shoved down our throats. We are full of good will, and in 1995, there was a great big love-in in Montreal. We said to ourselves that these were different people and that we would give them another chance. However, these people have done nothing since then.

My question for the member is this: When is he going to launch an initiative within his party to finally give Quebec what it wants?

*Business of Supply**[English]*

Mr. Mark Gerretsen: Madam Speaker, what I said was that the Constitution was adopted in 1982. Quebec had an opportunity to leave after that and chose not to, and I am very grateful. I was much younger then, but I remember watching the news and I could not imagine, as a teenager, not having Quebec as part of our country. It means nothing to this member, who is throwing his arms up in the air. I get that, but I value Quebec's existence in this country. I would never want to see this country without Quebec in it, despite the Bloc Québécois.

Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP): Madam Speaker, the hon. member seems to share one of my concerns. In the debate today, we do not spend much time talking about human rights. The Canadian Charter of Rights and Freedoms is about human rights, and the notwithstanding clause is about avoiding respecting human rights and avoiding doing the hard work that would be necessary. I wonder if he would reflect a bit more on the importance of human rights in this debate today.

Mr. Mark Gerretsen: Madam Speaker, that was my point toward the end and I appreciate the question, because today Doug Ford trampled on union rights. Tomorrow, who knows what he or another premier will try to trample on. Today, the collective movement and public pressure prevented Doug Ford from moving forward, but we do not know if that will be the case tomorrow.

The whole point of protecting those rights is to protect the rights of minorities. If we put people in a position where it becomes normalized to use this tool in order to strip people of their rights, the problem is going to be much greater than what we are seeing has happened to organized labour in Ontario.

- (1350)

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Madam Speaker, my question for the member opposite is this. He seems to be very offended by the violation of charter rights and freedoms by all kinds of other levels of government. What would he say about his own government and the continual attacks on freedom of expression, freedom of religion, mobility rights and the like?

Mr. Mark Gerretsen: Madam Speaker, I am so glad to hear the Conservatives get into this debate today, because they have been absent until this point. Even when they do decide to get in, they do not bring up the topic at hand. We are talking about the use of the notwithstanding clause and the motion brought forward by the Bloc, so I find it incredibly rich that the Conservatives suddenly want to participate in the debate when they have been completely silent the entire morning.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Madam Speaker, I thank my hon. colleague from Kingston and the Islands for talking about rights. I have been deeply offended, worried and frightened for this country because the premier of Ontario flings around like corn flakes the idea that he is going to grab the notwithstanding clause to stomp on the rights of teachers and workers. I really want to encourage all of us in this place, without regard to partisanship, to stand up for the Charter of Rights and Freedoms in this country.

Mr. Mark Gerretsen: Madam Speaker, every Canadian should be invested in this conversation, because the more the clause is used, the more normalized it becomes throughout the country, the

more people are willing to accept it. If we do not denounce the use of it now and stand up against it, the problems will only be much greater later on.

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Madam Speaker, it is a pleasure to rise today and address this particular motion brought forward by the Bloc.

I am not surprised by Bloc members bringing forward this motion, because, after all, from the Bloc Party's perspective, they want to cause division, even though when we look at their attempt this time around, the member for Kingston and the Islands is correct in his assumption.

If we think through the logic, what the Bloc is actually proposing is to say that the federal government plays no role and that it should be silent when a province wants to invoke, in a pre-emptive way, the notwithstanding clause. The best example I can use offhand is the Province of Ontario, which is the largest province by population in the country. When the Province of Ontario makes the statement that it wants to take away labour rights, all of us should be concerned as it affects thousands of people. The Bloc tries to give the false impression that it is sympathetic to the labour movement or the working person, but this motion contradicts that. However, I am not surprised by the Bloc. I expect that.

I can tell members that Canadians would be very disappointed in the official opposition, which is what I would like to pick up on. I would suggest that one of the greatest values we have as Canadians that we treasure, besides health care, which is a debate for another day, is our Charter of Rights and Freedoms. We understand how important that is. In terms of values, we like to share our values around the world, and there are countries around the world that have adopted Canada's Charter of Rights and Freedoms.

Canada has demonstrated leadership for 40 years on the issue of human rights and the protecting of freedoms and rights for the individual. One would think that the Conservative Party of Canada would care about that when it applies here in Canada, but that is not the case.

In reference to the teachers' and union issue in Ontario and the pre-emptive use of the notwithstanding clause to walk all over the rights of thousands of people in Ontario, here is what the Prime Minister had to say:

Canadians themselves should be extremely worried about the increased commonality of provincial governments using the notwithstanding clause preemptively to suspend their fundamental rights and freedoms. The Charter of Rights and Freedoms cannot become a suggestion.

Since 2017, we have had Ontario, New Brunswick, Quebec and, to a certain point, the Province of Saskatchewan, entertain or use pre-emptive notwithstanding, which I would suggest is a form of threats, to take away rights. The Prime Minister, demonstrating leadership, makes statements in regard to it.

However, the current leader of the official opposition is nowhere to be found. If members watch the debate today and take a look at the debates that have been occurring on this very important issue, they will find a vacuum of leadership coming from the Conservative Party. Liberals will stand and defend the Charter of Rights and Freedoms and recognize how—

Some hon. members: Oh, oh!

• (1355)

The Assistant Deputy Speaker (Mrs. Alexandra Mendès): Order. Can we allow the hon. member the courtesy of making his speech in peace? Thank you.

The hon. parliamentary secretary.

Mr. Kevin Lamoureux: Madam Speaker, as my colleague says, truth is hard to hear at times. At the end of the day, we have not heard any significant word. Yes, they were obligated to address it a couple of times, but they were virtually forced to do that. If we read the content of the speech, the Conservatives are more concerned about talking about the Conservative spin lines that they get from the Conservative MP lobby. These are the types of things the Conservatives want to talk about.

When it comes to issues of great substance that impact the rights and freedoms of Canadians and I pose questions for the Conservatives on this, they just scramble and do not know what to say. In fact, one of the members said they do not have anything to do with it and that it is completely up to the province. They asked, in one of the questions I got on the record today, why they would participate in that sort of discussion. However, the Conservatives do not like to stand up because they do not want to be held accountable on this particular issue.

I made reference to the number of provinces that had been using it since 2017. I suspect that since 2017 we have probably seen more usage of pre-emptive-type measures than we had seen in the previous 35 years. I do not know that for a fact, but I suspect that could be the case. At the end of the day, when the people of Canada are looking for their politicians here in Ottawa to stand up for those rights and freedoms, the Conservatives are being silent. I hope that maybe they will reflect during question period and decide to participate genuinely in this debate.

Does the Conservative Party support, for example, what Doug Ford was doing when he pre-emptively took the notwithstanding clause to walk over the rights of union people in Ontario, affecting thousands of workers? Is there a Conservative member of Parliament who will stand up in this place and say that was wrong? Of course the Conservatives will not do that, but it is nothing new because they will not do that for any provincial jurisdiction, based—

• (1400)

The Assistant Deputy Speaker (Mrs. Alexandra Mendès): The hon. member will have two and a half minutes to conclude his speech after question period.

Statements by Members

STATEMENTS BY MEMBERS

[English]

RICHMOND HILL

Mr. Majid Jowhari (Richmond Hill, Lib.): Madam Speaker, this year marks the 150th birthday of my beautiful riding of Richmond Hill, a cause for celebration to reflect on our past, to cheer on today and to recommit ourselves to the future.

Today, Richmond Hill continues to be a diverse, compassionate, youthful and ambitious society with a strong sense of collective and community-building, where ordinary people do extraordinary things.

The year-long celebrations kicked off with a flag-raising ceremony at the city's municipal offices on January 25. Last Saturday, we celebrated the 54th anniversary of Richmond Hill Winter Carnival when I announced \$60,000 in funding from the federal government.

This milestone anniversary celebration continues through Richmond Hill Public Library programs, including seedy Saturday and starfish project; the planting of 150 native trees at Lake Wilcox Park; three community art projects; and a heritage summit at the Richmond Hill Centre for the Performing Arts, hosted by Richmond Hill Historical Society.

In Richmond Hill, we are proud of our accomplishments and we are proud of our community, for this is Richmond Hill and this is our home.

* * *

CARBON TAX

Mr. Randy Hoback (Prince Albert, CPC): Mr. Speaker, the Prime Minister's carbon tax has had a devastating effect in my province of Saskatchewan.

On April 1, the carbon tax will increase the cost of fuel an additional 14¢ a litre. My constituents tell me their heat and hydro costs are already unaffordable.

A typical Canadian farmer will now face \$150,000 in carbon tax alone, something their competitors will not have to pay. Our farmers are the most efficient in the world. As the world needs more Canadian food exports, the Prime Minister is making it impossible for our farmers to survive. He needs to stop punishing their ability to feed the world.

As carbon emissions continue to grow, money continues to flow from families, businesses and farmers. If our goal is to fight climate change by reducing emissions, it is obvious that the carbon tax is not the answer.

The Conservatives have a better way. A Conservative government will get rid of the carbon tax.

*Statements by Members***CLIMATE CHANGE**

Ms. Joanne Thompson (St. John's East, Lib.): Mr. Speaker, my Conservative colleagues across the aisle have begun paid advertisements in my riding that are misleading. Therefore, let me clarify for those across the aisle.

The facts are: first, climate change is real; second, we must move ahead with decisive climate action; and third, eight out of 10 families in St. John's East will receive more money back than they pay. That means a family of four will get \$328 back every three months.

Let me be clear that the federal system only replaces the provincial system on July 1. Our approach will put more money back in the pockets of Canadians. Why do the Conservatives want to take these cheques away from Canadians? We need to look no further than the southwest coast of my province and the devastating effects of hurricane Fiona.

Canadians want solutions, not more empty slogans and scare tactics from the Conservatives.

* * *

[Translation]

MAISON D'HAÏTI

Mr. Martin Champoux (Drummond, BQ): Mr. Speaker, the Maison d'Haïti will celebrate its 50th anniversary on Saturday.

What began as a summer project has grown into five decades of community building, literacy work, integration activities, newcomer services and revitalization of the Saint-Michel neighbourhood. Crucial services are generously offered to our large Haitian community and to Quebeckers from around the world.

Over the years, the Maison d'Haïti has also waged major battles as part of the feminist movement, the fight against racism and discrimination, and equal access to the workforce. Several people have made a mark on this organization's history, including Ernst Gresseau, Max Chancy and Adeline Magloire Chancy, whom the organization itself considers to be the building blocks of its DNA. I also want to mention Célitard Toussaint, who served as its director for more than 30 years, and Marjorie Villefranche, the current director, who has also been involved in programming for more than 30 years.

On Saturday, let us take the opportunity to celebrate with the Haitian community. Let us celebrate these 50 years of building bridges between Quebeckers of all origins.

I invite everyone to join the celebration on Saturday, starting at 10:30 a.m. at TOHU.

Happy 50th to the Maison d'Haïti.

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● (1405)

[English]

BLACK ENTREPRENEURS

Mr. Mike Morrice (Kitchener Centre, GP): Mr. Speaker, across the Waterloo region we have a thriving community of Black entrepreneurs, and it has not happened by accident.

We are lucky to have programs like liftoff, hosted by the Canadian Caribbean Association of Waterloo Region and led by Dr. Trevor Charles. In the past year, Trevor and his team have supported 50 founders in five different cohorts.

Established Black entrepreneurs like Lenore Johnson from LenJo Bakes and Ajoa Mintah from Four All Ice Cream have inspired others to follow their lead and they now also give back as coaches of liftoff participants.

We are also fortunate to have a Kitchener chapter of Sokoni's Black entrepreneurship program. They have a pop-up market happening this Saturday, February 11 at the Kitchener market.

While Black entrepreneurs face systemic barriers to their success, across Waterloo region this thriving community of founders is another example of Black excellence.

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[Translation]

FRANCOPHONE COMMUNITY IN NICKEL BELT

Mr. Marc Serré (Nickel Belt, Lib.): Mr. Speaker, in Nickel Belt and Greater Sudbury, we are fortunate to have many community organizations with a social, cultural and educational focus, such as Collège Boréal, the University of Sudbury, ACFO du grand Sudbury, Place des Arts du Grand Sudbury, Le Voyageur, La Nuit sur l'étang, the West Nipissing Arts Council, Théâtre du Nouvel-Ontario, and several school boards that contribute to the development of the francophone community.

In 1971, the first public high school, Franco-Cité, was established in Sturgeon Falls, where student activists took control of the school for several days. In January, at Franco-Cité, we announced that, in 2022, we reached the target of 4.4% francophone immigration outside Quebec for the first time.

That is why we must all work together to get Bill C-13 passed as quickly as possible, so we can promote and advocate for linguistic minorities across Canada. This bill will promote French and protect all official language minority communities across the country.

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[English]

SNOW CRAB INDUSTRY

Mr. Clifford Small (Coast of Bays—Central—Notre Dame, CPC): Mr. Speaker, Japanese purchases of Russian snow crab nearly doubled in 2022, year over year, and these purchases continue today.

Traditionally Japan would purchase about 40% of Canada's snow crab. Last year, it purchased a fraction of that and chose to dramatically increase its purchases from Russia, while inadvertently supporting the Russian war machine.

Statements by Members

While Japan, a G7 trading partner and ally continues to purchase Russian crab, 30% of last year's Atlantic Canadian snow crab sits in inventory. Another G7 partner, the United States, decided to ban Russian crab last June in an effort to defund the Russian war effort in Ukraine.

My Conservative colleagues and I have had several meetings with Japanese officials to express the need for allies to support each other in trade where at all possible.

It is time for the Liberal Minister of Foreign Affairs and the Minister of International Trade to pressure the Japanese on their moral obligation as G7 partners and support the Atlantic Canadian crab industry at the same time.

* * *

RETIREMENT CONGRATULATIONS

Mr. Mark Gerretsen (Kingston and the Islands, Lib.): Mr. Speaker, I rise today to recognize Bhavana Varma, an outstanding citizen and community leader from my riding of Kingston and the Islands. Bhavana has just announced that she will step down from her position as CEO of the United Way of Kingston, Frontenac, Lennox and Addington at the end of August.

Since 1999, Bhavana's leadership has inspired record annual fundraising campaigns and successful local initiatives. A true community partner, Bhavana has been a leader in addressing complex issues like food insecurity, poverty reduction, addictions and mental health and homelessness.

With Bhavana at the lead, the United Way's impact has grown significantly in our area, providing funding support to a substantial network of agencies that deliver vital programs and services. The United Way helps thousands upon thousands of people in our region on an annual basis.

As the member of Parliament for Kingston and the Islands, I want to express my deep appreciation for all that Bhavana has accomplished over the past 24 years. I have no doubt she will leave the agency in good hands and will continue to be a positive force within our community.

I wish Bhavana the best of luck in her future endeavours.

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● (1410)

CANADIAN SCHOOL COUNSELLING WEEK

Ms. Patricia Lattanzio (Saint-Léonard—Saint-Michel, Lib.): Mr. Speaker, this week is Canadian School Counselling Week, an opportunity for us to recognize the remarkable work done by school counsellors to support the academic, social and emotional growth, and career development of students at all grade levels.

[*Translation*]

According to a survey conducted by the Mental Health Commission of Canada, the main challenges facing our youth are feelings of isolation and loneliness and limited access to mental health and other health-related supports.

[*English*]

By listening and focusing on positive solutions, and working hand in hand with parents and teachers, school counsellors provide students with tools they need for everyone to overcome their challenges and reach their full potential.

I thank all the school counsellors for the amazing work they do, but most important, I thank them for helping our youth reach their goals in a safe and supportive school environment.

[*Translation*]

I wish all school counsellors a happy Canadian School Counselling Week.

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[*English*]

JUSTICE

Mr. Doug Shipley (Barrie—Springwater—Oro-Medonte, CPC): Mr. Speaker, after eight years of the Liberal government's soft-on-crime policies, our justice system is broken.

Recently, OPP Constable Greg Pierzchala, a Barrie resident, was murdered by a violent repeat offender who was out on bail. Constable Pierzchala died a devastating and preventable death. I would like to send my deepest condolences to his family, friends and colleagues.

In response to this tragedy, OPP Commissioner Thomas Carrique has stated, "a minority of offenders commit most of the crime in Canada, and the chronic nature of re-offending by these individuals is not adequately recognized in current bail and sentencing practices."

Due to the Liberal government's elimination of mandatory prison time for violent offences, criminals are given free reign to terrorize our communities. The result of this failed policy is clear. Last year in Toronto, there were 44 shooting-related homicides. Of those 44 criminals, 24 were out on bail.

After eight years, the Prime Minister needs to take responsibility for his failures. He needs to listen to premiers, police associations and community advocates and reform Canada's broken bail system.

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AFRICAN HERITAGE MONTH

Mr. Darrell Samson (Sackville—Preston—Chezzetcook, Lib.): Mr. Speaker, it is African Heritage Month in Nova Scotia. Sackville—Preston—Chezzetcook is marking the occasion by celebrating the cultural legacy achievements and contributions of people of African descent in our country.

Statements by Members

This year's theme is "Seas of Struggle—African Peoples from Shore to Shore", which recognizes the strength and determination of the people of African descent, from the shores of Africa to the shores of Nova Scotia. There will be a full slate of events, including local celebrations, film screenings, a light show, performances and much more.

As always, the Black Cultural Centre is at the centre of it all. We have seen the centre grow its national profile in recent years. Last summer, it hosted the Prime Minister for the historic No. 2 battalion apology, when the Prime Minister recognized all of the work and research that it did.

Let us all continue to celebrate Black history this month and beyond.

* * *

LIBERAL PARTY OF CANADA

Mr. Gerald Soroka (Yellowhead, CPC): Mr. Speaker, every day I hear from countless people in my riding voicing their frustrations as they try to survive under this Liberal-made affordability crisis.

After eight years under the Liberal government, everything in Canada is broken. After eight years, Canadians are out of money and cannot afford to eat, heat or house themselves. Just when we think it cannot get any worse or more expensive, the carbon tax is, again, increasing on April 1. It is no surprise that Canadians are turning to their food banks as this is their only means to feed their families.

After eight years, the government has plagued the country with travel woes, passport and immigration backlogs and affordability crises; offers of MAID as a solution instead of assistance; eased bail access for criminals; and eliminated mandatory minimum sentencing for offenders.

After eight years, it is time for the Liberal government to come to an end. The Conservatives will keep the heat on and take the tax off.

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*[Translation]***LIBERAL PARTY OF CANADA**

Mr. Richard Lehoux (Beauce, CPC): Mr. Speaker, after eight years, the Liberal government has only made life more difficult for Canadians. Its ideological policies and lack of leadership are affecting all Canadians, and things are only getting worse.

After eight years, this government still has not resolved the immigration file. People are waiting months, if not years, for an answer from IRCC. This puts a huge burden on families and businesses.

After eight years, Service Canada still cannot respond to passport and EI applications, leaving some of our most vulnerable citizens with no money to put food on the table.

After eight years, this government continues to hurt farmers with ridiculous policies that are increasing production costs and forcing Canadians to use food banks more than ever.

After eight years, inflation is at a record high. The carbon tax is making everything more expensive.

The government does not realize that this failed policy is not working. A Conservative government, with our new leader, will put Canadians back in control of their lives. Enough is enough. It is our turn now.

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● (1415)

TRAGEDY AT LAVAL DAY CARE

Mr. Fayçal El-Khoury (Laval—Les Îles, Lib.): Mr. Speaker, I am deeply saddened by yesterday's tragedy in Sainte-Rose, Laval. St. Augustine defined the nation as a multitude of rational beings, united by the objects of their love. This is a dark time for Laval, for Quebec and for the entire country. We are here, we stood with you yesterday, we stand with you today, and we will stand with you tomorrow.

I want to thank all the first responders and all those who lent a hand. I pay special tribute to the staff at day cares and schools who went to work this morning, to brighten the day of our little ones who deserve only love, tenderness and to be safe. This tragedy reminds us that we cannot allow the darkest part of ourselves to triumph over the best.

I send my thoughts and prayers to my constituents and the victims.

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*[English]***TAXATION**

Ms. Niki Ashton (Churchill—Keewatinook Aski, NDP): Mr. Speaker, today Canadians for Tax Fairness released a damning report on how the richest corporations in Canada used the Canada emergency wage subsidy to get richer and avoid paying taxes. The report shows most of the large Canadian corporations that took public subsidies during the pandemic used tax havens, paid out dividends to shareholders during the pandemic, increased their total dividend payout, did share buybacks and actually reduced their overall employment.

Once again, Canada's political and corporate elite are lining up at the trough to use public money for their own private gain. When it comes to tax fairness, whether Liberal or Tory, it is the same old story. They do not stand up to these corporations. They refuse to bring in a windfall tax, refuse to increase the corporate tax rate and refuse to go after their friends who use tax havens.

Oral Questions

Canadians have had enough. Working people and people on fixed incomes are struggling, and only the NDP is calling for action. It is time to stand up to corporate Canada and take back what it owes Canadians.

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[Translation]

SUICIDE PREVENTION WEEK

Mrs. Claude DeBellefeuille (Salaberry—Suroît, BQ): Mr. Speaker, today marks the halfway point of Quebec's Suicide Prevention Week. I should warn my colleagues that this year's theme is blunt: "Prevention is Better than Death."

It can never be said often enough: Preventing suicide means talking about it. We all have a duty to create an open, welcoming space where nothing is taboo and everyone feels free to express themselves. We have a duty to remember that no one is immune to mental distress. This distress, this suffering, exists, but we need to speak up, dare to talk about it, and remember that mental health problems are health problems, that they do not define us, and that they are treatable. We must remember that help is available, and above all, we must simply remind our loved ones that they are important to us and that we love them.

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[English]

THE ECONOMY

Mr. Pat Kelly (Calgary Rocky Ridge, CPC): Mr. Speaker, after eight years of the Liberal Prime Minister, inflation is at a 40-year high.

After eight years of the Liberal Prime Minister, half of Canadians are cutting back on groceries.

After eight years of the Liberal Prime Minister, 20% of Canadians are skipping meals.

After eight years of the Liberal Prime Minister, the average rent in Canada's 10 largest cities has doubled.

After eight years of the Liberal Prime Minister, half of variable rate mortgage holders say they will have to sell or vacate their homes this year because interest rates are at a 23-year high, and nine out of 10 young people think they will never be able to buy a home.

After eight years, a bunch of random Liberals, including Mark Carney, Bill Morneau and John Manley, blame the government's spending from before, during and after the COVID pandemic for the inflation crisis we are in right now.

After eight years, there is hope. Conservatives are ready to form a new government to clean up this mess.

• (1420)

[Translation]

TRAGEDY AT LAVAL DAY CARE

Mr. Yves Robillard (Marc-Aurèle-Fortin, Lib.): Mr. Speaker, a horrifying and unprecedented tragedy occurred in my riding. A Société de transport de Laval bus crashed into the Garderie éducative Ste-Rose on Terrasse Dufferin in Laval, killing two young children and seriously injuring six.

This is so, so sad, and the children, their families and the day care workers are in my thoughts. I am deeply distressed. I want to thank the first responders, including the firefighters, police officers and paramedics, as well as the people who were on the scene.

I thank my many colleagues of all parties for their sympathy and condolences following this devastating tragedy. I extend my heartfelt condolences to the families affected.

ORAL QUESTIONS

[Translation]

CANADA REVENUE AGENCY

Hon. Pierre Poilievre (Leader of the Opposition, CPC): Mr. Speaker, this week, the Parliamentary Budget Officer is slamming the government for deciding that it was not worth trying to recover the \$15 billion that was overpaid to large corporations in wage subsidies. This is money that they should not have received and that comes out of the pockets of Canadians. That is the equivalent of \$1,000 for every Canadian family.

When will the Prime Minister finally go after the money that was illegally given to these big companies?

[English]

Mr. Peter Fragiskatos (Parliamentary Secretary to the Minister of National Revenue, Lib.): Mr. Speaker, I will remind the hon. member that he has access to it, as it is the public record. Last week, at the public accounts committee, the commissioner of revenue made clear that verification work on determining eligibility for the various COVID emergency programs is ongoing.

It was the CRA public employees who, in a very focused way, helped to administer the various programs that were put in place during COVID. They are now carrying out the vital verification work. This work is taken seriously. It is a fiscally responsible approach. The member voted for it. Let us continue.

Hon. Pierre Poilievre (Leader of the Opposition, CPC): Mr. Speaker, the Prime Minister's top tax collector, Bob Hamilton, the commissioner of revenue, said, "it wouldn't be worth the effort" to review and recover the \$15.5 billion paid out illegally to these corporations. He said that it would not be worth the effort.

Fifteen billion dollars equals \$1,000 for every single household in Canada. It is money taken from working-class single moms who cannot feed their kids and given to wealthy corporations with connections to the government. Why will they not take back the money that was illegally taken and give it back to Canadians?

Oral Questions

Mr. Peter Fragiskatos (Parliamentary Secretary to the Minister of National Revenue, Lib.): Mr. Speaker, the opposition leader talks about Canadians. Where was he at the height of the pandemic? When Canadians needed their government, he was talking about an austerity agenda, he was talking about cuts and he was not behind the various programs that helped to sustain this country.

The work of the CRA continues, as I mentioned before. It is ongoing. It is serious, and it is focused. In fact, the member should check the record. In November 2020, it was he and his party who voted to stop that work on the part of the CRA.

Hon. Pierre Poilievre (Leader of the Opposition, CPC): Mr. Speaker, that is absolutely false. Where was I? I was in the House telling the government that it should not pay wage subsidies to corporations that were wealthy enough to pay out dividends, bonuses and share buybacks. That is where I was.

Now, we find out that it gets worse and that there were 37 corporations that received wage subsidies worth \$81 billion that paid out dividends to their wealthy shareholders. This was not money for workers. It was money for the wealthy. Why is it that the government always gives more to the “have yachts” by taking from the have-nots?

• (1425)

Mr. Peter Fragiskatos (Parliamentary Secretary to the Minister of National Revenue, Lib.): Mr. Speaker, again, when it comes to vital COVID programs that helped to keep businesses going, the member was against all of that. The key fact about the wage subsidy is that small and medium-sized businesses in particular were kept going throughout the pandemic. That is what we have to keep in mind.

In fact, when it comes to the vital avoidance and evasion work carried out by CRA, the Conservatives had cut the CRA budgets and it could not do that work effectively. In 2015 and onward, we have invested in CRA to carry out avoidance work and evasion work. Investigations are up, as are criminal convictions and time spent in jail among those convicted.

Hon. Pierre Poilievre (Leader of the Opposition, CPC): Mr. Speaker, it is absolutely true that we were able to collect taxes from powerful corporations while having less bureaucracy at CRA. We delivered more for less. By contrast, the Prime Minister's top tax collector says he does not have the resources to go after the \$15 billion the Prime Minister gave in illegal wage subsidies to these powerful corporations.

This is an agency that has added 10,000 additional tax collectors. What are they doing? They are going after the little guy. Why will they not go after the Prime Minister's corporate friends instead?

Hon. Karina Gould (Minister of Families, Children and Social Development, Lib.): Mr. Speaker, if they want to talk about the little guy, I have been talking to small business owners and charitable organization representatives across this country, and they say to me every time I meet with them, “Thank you for the Canada emergency wage subsidy. We would not have been able to keep our doors open, and we would not have been able to keep our people employed, had it not been for this vital and crucial support at the height of the pandemic.” Unfortunately, we have the Leader of the

Opposition saying that it did not want big government and it did not want to help Canadians during that time.

We took a different approach. We were there for Canadians when they needed us, and we will continue to be there.

Hon. Pierre Poilievre (Leader of the Opposition, CPC): Mr. Speaker, the member should talk to her colleague, who just admitted that I voted in favour of supporting small businesses during the pandemic. However, on this side of the House, we are against fraud. There has been \$15 billion in overpayments given directly to the largest corporations, which should not have received it. Now, the Prime Minister's top tax collector says he is not going after the money. He will just leave it in the hands of those corporations. This money equals \$1,000 for every household in Canada.

Why do the Liberals put the burden on Canadians who are drowning in debt rather than the powerful corporations that are swimming in profit?

Hon. Randy Boissonnault (Minister of Tourism and Associate Minister of Finance, Lib.): Mr. Speaker, I will absolutely say that our government is against fraud as well, and for every dollar we invest in the Canada Revenue Agency, we get five dollars back from people who have avoided their taxes. That is a fantastic return on investment.

Let us be clear: The CRA is working hard to get back the wage subsidies that were given to people in error. Our government also put in place regulations to make sure companies that put money toward profits have those monies clawed back. There is a windfall tax on the banks and insurance companies as well.

We are doing the right thing. We are sticking up for Canadians.

* * *

[Translation]

OFFICIAL LANGUAGES

Mr. Alain Therrien (La Prairie, BQ): Mr. Speaker, yesterday, the Prime Minister refused to challenge the misinformation on the Charter of the French Language at the Standing Committee on Official Languages. He even refused to correct this misinformation to reassure anglophone Quebecers about the real effects of Bill C-13 and Bill 96. He is not challenging the misinformation and he is not correcting it. If he is not denouncing and correcting it, then he must be condoning it.

At the end of the day, is the position held by the members for Saint-Laurent, Notre-Dame-de-Grâce—Westmount and Mount Royal on French in Quebec also shared by the Prime Minister? Is that it?

Hon. Ginette Petitpas Taylor (Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency, Lib.): Mr. Speaker, we made ourselves very clear. Ours was the first government to recognize the decline of French across the country, including in Quebec. That is why we are moving forward with Bill C-13.

We were clear about this in the throne speech. The Prime Minister also made it clear that we are moving forward with a bill to ensure we will help protect and promote the French language across the country and protect our official language minority communities.

• (1430)

Mr. Alain Therrien (La Prairie, BQ): Mr. Speaker, the Prime Minister is divisive. He is dividing Canadians and Quebecers with Amira Elghawaby's appointment. He is dividing Quebecers amongst themselves by sending his West Island gang to spread misinformation about the Charter of the French Language.

Yesterday, he tried to divide Quebecers and francophones outside Quebec by casting aspersions about the Bloc Québécois's intentions. He even found a way to divide his own caucus on the protection of French. I am not making this up: The arsonist of strife even set fire to his own house.

Just where will it end?

Hon. Ginette Petitpas Taylor (Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency, Lib.): Mr. Speaker, as a proud Acadian who lives in an official language minority community, I know the importance of protecting and promoting French across the country, including in Quebec. That is why we are moving forward with an ambitious bill that will make a difference for our official language minority communities.

Once again, I hope that we will have the support of all colleagues in the House to ensure the passage of this bill, since stakeholders across the country have been telling us that they want it passed as soon as possible.

* * *

[English]

VETERANS AFFAIRS

Ms. Rachel Blaney (North Island—Powell River, NDP): Mr. Speaker, veterans and their families are concerned about the outsourcing of essential services to Loblaws.

My office has been hearing about treatments on hold while contractors re-evaluate veterans' injuries, significant delays in services and trusted providers blocked from delivering services to veterans who desperately need them. This contract is costing taxpayers 25% more and delivering less. Veterans deserve better.

When will the Liberals actually start serving veterans instead of greedy for-profit companies?

Mr. Darrell Samson (Parliamentary Secretary to the Minister of Veterans Affairs and Associate Minister of National Defence, Lib.): Mr. Speaker, we have been, in the government here, supporting veterans since the beginning. Since 2016 we have invested over \$11 billion to support veterans, including lots of different pro-

Oral Questions

grams to support those veterans, whether it be a chronic pain centre for veterans or Pension for Life. We have been there since the beginning to support veterans, and we will be there as we continue as government.

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HEALTH

Mr. Gord Johns (Courtenay—Alberni, NDP): Mr. Speaker, Canadians are struggling with their mental health. Levels of anxiety and feelings of isolation are at all-time highs, but accessing help is nearly impossible. Costs for therapy are sky-high and out of reach. Publicly funded services have long waits. People have nowhere to turn, yet the Liberals' new health care deal with the provinces does not guarantee money for mental health. After two years, not a single cent has been spent on the Liberals' promised Canada mental health transfer. It is broken promise after broken promise.

Will the minister commit today to delivering on the Canada mental health transfer?

Hon. Carolyn Bennett (Minister of Mental Health and Addictions and Associate Minister of Health, Lib.): Mr. Speaker, Canadians should be able to access timely, evidence-based, culturally appropriate and trauma-informed mental health and substance-use services to support their well-being.

Through the proposed bilateral agreements on the shared health priorities, we are working with the provinces and territories to integrate mental health and substance use as a full and equal part of our universal health care system. This will ensure provinces and territories provide transparency and accountability for access to the most appropriate mental health and substance-use services.

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[Translation]

THE ECONOMY

Mrs. Dominique Vien (Bellechasse—Les Etchemins—Lévis, CPC): Mr. Speaker, after eight years under this Prime Minister, inflation is out of control. Simply put, everything costs a lot more: groceries, heating, and housing.

The Prime Minister would like us to believe that he has nothing to do with it, but it is precisely his reckless spending that has put us in this situation. Even his former finance minister Bill Morneau said so recently.

Can he face the truth and admit that he is doing immense damage to the Canadian economy?

Hon. Randy Boissonnault (Minister of Tourism and Associate Minister of Finance, Lib.): Mr. Speaker, this is the situation that Canadians are facing.

Oral Questions

Which side of the House has a plan for the future? Who has a plan for climate change? We do; the Conservatives do not. Who has a plan for affordability? We do; the Conservatives do not. Who has a plan for the future of the Canadian economy? The Liberals do, the Conservatives do not.

The Liberals are taking action, and the Conservatives are spoiling for a fight.

We are here for Canadians.

Mrs. Dominique Vien (Bellechasse—Les Etchemins—Lévis, CPC): Mr. Speaker, who is killing the Canadian economy? It is the Liberals.

According to a recent Léger poll, Quebeckers are feeling extremely stressed about what this year will bring. The number one concern is the impact of rising consumer prices.

What will it take for the Prime Minister to see and hear the same thing that we are seeing and hearing across Canada?

• (1435)

Hon. Randy Boissonnault (Minister of Tourism and Associate Minister of Finance, Lib.): Mr. Speaker, let us go over the facts.

Our real GDP is 3.5%, the highest since the pandemic. We have one of the lowest inflation rates in Canada, lower than in the United States, Germany, and the United Kingdom.

The IMF projects that our growth will be the highest in the world this year, and next year as well. Some 200 jobs have been created since September, and we are seeing the lowest unemployment numbers since 1966.

Who is leading the economy? We Liberals are.

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[English]

CARBON PRICING

Mrs. Tracy Gray (Kelowna—Lake Country, CPC): Mr. Speaker, after eight years of the Liberal Prime Minister, the carbon tax grab is leaving Canadians in the cold. The government has reported that more than half of Canadian households pay over \$200 a month just to heat their homes, but it is going to get worse because of the tripling of the carbon tax, which will affect home heating in every house in this country. We need to keep the heat on and take the tax off.

Will the Prime Minister take responsibility, axe the carbon tax and fix what he broke?

Mr. Terry Duguid (Parliamentary Secretary to the Minister of Environment and Climate Change, Lib.): Mr. Speaker, every time we put forward an affordability measure, such as rental supports, dental supports, the Canada child benefit or the middle-class tax cut, the Conservatives vote against it. Something is not sinking in. The climate action rebate puts more money in people's pockets than they pay at the pump, and eight out of 10 families will be better off.

Do members know what will not make families better off? Investing in cryptocurrency and Bitcoin. Will the Leader of the Oppo-

sition stand in this House right now and apologize to Canadians who lost their shirts?

* * *

THE ECONOMY

Mrs. Tracy Gray (Kelowna—Lake Country, CPC): Mr. Speaker, do members know what Conservatives will do? We will axe the carbon tax, which makes the price of everything go up in this country and is affecting inflation.

The government likes to say it will take no lessons from the Conservatives, and that is obvious because things keep getting worse. A resident of mine, Chris, says it is hard to keep up with his bills because of inflation. He says he is “a little hungry, and a little cold and his clothes now hang loosely”. We teach our kids to take responsibility for their actions, yet the Prime Minister blames everyone else.

Will the Prime Minister take responsibility for the cost of living crisis and fix what he broke?

Hon. Gudie Hutchings (Minister of Rural Economic Development, Lib.): Mr. Speaker, I would like the opposition to take responsibility for the terrible jargon it is putting out on what we have to do on climate change. My riding is devastated, as members have heard me say numerous times. Working at a fishery is a vital income in my riding. I have, as a result of hurricane Fiona, \$59.2 million worth of damage done to small craft harbours infrastructure. That was in pretty good shape before hurricane Fiona hit. The price of not addressing climate change is real.

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HOUSING

Mr. Mark Strahl (Chilliwack—Hope, CPC): Mr. Speaker, eight years of out-of-control spending by the current Liberal Prime Minister has led to a massive increase in the interest rates. As a result, nearly half of Canadians with a variable rate mortgage are saying they may have to move out of their homes in just a matter of months. If skyrocketing mortgage payments were not enough, the Prime Minister is set to triple the carbon tax on those struggling Canadians.

Conservatives will keep the heat on and take the tax off. Will the Prime Minister finally take responsibility for this affordability crisis that he has created or get out of the way so that we can fix the problem?

Hon. Ahmed Hussen (Minister of Housing and Diversity and Inclusion, Lib.): Mr. Speaker, it is very rich to hear the other side talk about affordability with respect to housing. They voted against every housing measure we brought before this House to help Canadians attain their dream of home ownership. Whether it was the \$200 million rent-to-own program, the first-time homebuyer tax-free savings account of up to \$40,000, the doubling of the tax credit for first-time homebuyers or the ban on foreigners owning Canadian residential real estate, they voted against those measures. They try to stand here and say that they support Canadians when it is clear they do not.

• (1440)

Mr. Mark Strahl (Chilliwack—Hope, CPC): Mr. Speaker, the minister needs to get out of this Ottawa bubble. He keeps talking about government programs, but he is not listening to Canadians. These are Canadians who have seen their rent double after eight years of the current Prime Minister; who are now facing the prospect of having to move if they have a variable rate mortgage; and who can no longer afford to put food on the table, with 40-year highs in food prices and one and a half million Canadians lined up at the food banks.

Why do the Liberals not take responsibility, cut the carbon tax and give Canadians a break?

Hon. Ahmed Hussen (Minister of Housing and Diversity and Inclusion, Lib.): Mr. Speaker, the member opposite talked about supports for renters and renters struggling in Canada. That is precisely why we introduced the Canada housing benefit, which looks to invest an average of \$2,500 for vulnerable renters across the country. In addition to that, we introduced a one-time top-up of \$500 for 1.8 million vulnerable renters across the country.

Not only did the Conservatives vote against that, but they also played procedural games last fall to delay the passage of that bill, which would have sent much-needed supports to renters.

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[Translation]

HEALTH

Mr. Luc Thériault (Montcalm, BQ): Mr. Speaker, the federal government promised a substantial offer to support the health care system. Instead, we got a substantial disappointment. The minister knew that Quebec and the provinces needed \$28 billion more each year to fix their health care systems. He has barely offered them one sixth of that.

Is the minister seriously trying to say that by offering one sixth of the money needed, he is giving Quebec the means to fix the problems in its health care system?

Mr. Adam van Koeverden (Parliamentary Secretary to the Minister of Health and to the Minister of Sport, Lib.): Mr. Speaker, Canadians expect to be able to receive health care services when they need them. Our government is there for them both now and going forward, making investments and doing whatever is necessary.

Mr. Luc Thériault (Montcalm, BQ): Mr. Speaker, everyone except the minister knows that the health crisis has been caused by the federal government's chronic underfunding. Quebec and the

Oral Questions

provinces have calculated that they need an additional \$28 billion a year; the government is putting \$4.6 billion on the table. His offer guarantees that there will continue to be problems with health care for at least 10 more years. His offer will ensure that health care is chronically underfunded, and he has the gall to say that he expects results.

Does the minister realize that offering so little deprives sick people of basic care?

Hon. Carolyn Bennett (Minister of Mental Health and Addictions and Associate Minister of Health, Lib.): Mr. Speaker, our plan seeks to improve Canadians' health care, ensure that patients receive the health care services they deserve in a timely manner and support our health care workers.

Our \$198 billion plan over 10 years includes an immediate, unconditional Canada health transfer top-up, targeted investments and a permanent funding increase for the Canada health transfer.

Mr. Mario Simard (Jonquière, BQ): Mr. Speaker, as you and I both know, the Conservatives love saying that the government is spending too much money. Yet their leader has promised to maintain the Liberal health care funding offer if he ever takes office. It is literally the only Liberal public policy that the Conservative leader has committed to protect if he becomes prime minister.

Everyone knows that the Conservative leader thinks that even Scrooge is a spendthrift. Is this not the ultimate proof that the Liberal offer on health care is terribly stingy?

Mr. Adam van Koeverden (Parliamentary Secretary to the Minister of Health and to the Minister of Sport, Lib.): Mr. Speaker, at the working meeting with the premiers, we discussed plans to increase funding to the provinces and territories by \$196.1 billion over 10 years for the Canada health transfer, or CHT, including \$46.2 billion in new funding.

This funding includes an immediate, unconditional \$2 billion Canada health transfer top-up to address immediate pressures on the health care system, particularly in pediatric hospitals and emergency rooms, and to reduce long wait times for surgery.

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[English]

CARBON PRICING

Mr. Blake Richards (Banff—Airdrie, CPC): Mr. Speaker, after eight years of the Liberal Prime Minister, many Canadians are left shivering in the cold because they cannot afford to heat their homes, and the Prime Minister has shown zero compassion, refusing to take responsibility for the pain he is causing with his punishing carbon tax. However, Conservatives will fix what he has broken. We will axe the tax and keep the heat on.

Oral Questions

Does the Prime Minister really believe that Canadians should have to wear coats inside their own homes to keep warm in the winter?

• (1445)

Hon. Sean Fraser (Minister of Immigration, Refugees and Citizenship, Lib.): Mr. Speaker, it is disappointing to see the Conservatives try to create fear among Canadians for political gain, when we understand they are vulnerable. He should know that his constituents will actually, on average, receive more money as the result of the policy to put a price on pollution. It is extraordinary to me that the Conservatives have a plan to take money away from families so they can give it to polluters.

From the very beginning, we have made decisions to put more money in the pockets of middle-class and working-class families. We are going to continue to be there for them no matter how hard the Conservatives oppose.

Mr. Clifford Small (Coast of Bays—Central—Notre Dame, CPC): Mr. Speaker, after eight years of this Liberal government, the cost of living is out of control. In the past eight years, home heating costs have skyrocketed. To add insult to injury, this Liberal government is going to triple the carbon tax.

The Parliamentary Budget Officer says the carbon tax is a net financial loss for most Canadians. Will the Prime Minister take the tax off so Canadians can keep the heat on?

Mr. Terry Duguid (Parliamentary Secretary to the Minister of Environment and Climate Change, Lib.): Mr. Speaker, it is really disappointing to hear from the other side, because months after the worst climate disaster in Atlantic history, the Conservatives want to take away a measure that will actually fight pollution and put more money in people's pockets.

The hon. member was even mocking some of the measures we want to introduce to help Atlantic Canadians transition away from dirty foreign oil to cleaner forms of energy. That is because the Conservatives have no plan for climate change, no plan for affordability and no plan for the economy.

Mr. Clifford Small (Coast of Bays—Central—Notre Dame, CPC): Mr. Speaker, he is disappointed? I will tell the Liberals who are disappointed. It is Atlantic Canadians who are disappointed. They have put their trust in them since 2015.

The government is past its expiry date. Corey in Gander knows that. His oil bill is going to increase to \$8,000 from \$4,000 last year, and it is about to get worse with the tripling of the carbon tax. However, Conservatives will keep the heat on and take the tax off.

Will the Prime Minister take responsibility for the misery he has caused Canadians like Corey so that he can fix what is broken?

Ms. Julie Dabrusin (Parliamentary Secretary to the Minister of Natural Resources and to the Minister of Environment and Climate Change, Lib.): Mr. Speaker, I would like to begin by pointing out to the member opposite, and he is well aware, that Newfoundland does not actually have the federal backstop that applies.

I also want to point out that we are helping Canadians make home heating more affordable. We have the “oil to heat pump” pro-

gram, the greener homes grant, and more than that, today we announced the deep retrofit accelerator initiative to help Canadians make those necessary changes. There is good news attached to this. It is creating good-paying jobs doing these retrofits in small and large communities right across our country.

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CANADA REVENUE AGENCY

Ms. Niki Ashton (Churchill—Keewatinook Aski, NDP): Mr. Speaker, today Canadians for Tax Fairness released a report that looked at 74 Canadian companies that used the Canada emergency wage subsidy and tax avoidance schemes. When the Prime Minister said that “We are all in this together”, I did not know that we were in a billionaire tax haven.

Take Brookfield Asset Management, with a tax gap of \$6.5 billion. Five of its subsidiaries received the wage subsidy despite being based in Bermuda. Enbridge and Thomson Reuters are part of a “who's who” of corporate tax avoidance.

Why do the Liberals expect Canadians to subsidize the lifestyles of the ultrawealthy?

Mr. Peter Fragiskatos (Parliamentary Secretary to the Minister of National Revenue, Lib.): Mr. Speaker, the key point about the wage subsidy, as I said before, is the way it helped small businesses, small business owners and their employees and medium-sized business owners and their employees. That is the fundamental fact to take away.

With respect to the hon. member's questions about avoidance and evasion, this government has invested no less than \$1 billion to counter both of those things. The results are clear. Investigations are up and convictions are up.

If the hon. member has another question, I can go into the specifics of it. I welcome the question again if she wishes.

Mr. Daniel Blaikie (Elmwood—Transcona, NDP): Mr. Speaker, it does a disservice to small business to use them to deflect from answering questions about why giant corporations got over \$15 billion in taxpayer money while they were reducing their workforces and paying tens of billions of dollars in dividends. Meanwhile, if one is a Canadian living below the poverty line, the government knows exactly where to find them to send the bill.

Why is it giant corporations are getting general debt relief from pandemic benefit programs when Canada's poor are being chased down by the CRA? Where is the fairness in that?

• (1450)

Mr. Peter Fragiskatos (Parliamentary Secretary to the Minister of National Revenue, Lib.): Mr. Speaker, I have respect for the hon. member, because since the moment he was elected he has raised the concerns of working-class individuals and families.

On this matter, though, the wage subsidy proved enormously effective for people in his community and every Canadian community, as well as for the businesses in need of support, small businesses and medium-sized businesses. The verification work I was talking about earlier today does continue as a matter of fairness.

With respect to CERB and amnesty questions he has raised, he knows very well that work is ongoing as well. It is only fair that, when thousands of Canadians across the country looked to see if they were eligible and were not, we need to continue to verify, because they took that effort to—

The Speaker: The hon. member for Bourassa.

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DIVERSITY AND INCLUSION

Mr. Emmanuel Dubourg (Bourassa, Lib.): Mr. Speaker, as we commemorate the impactful contributions and accomplishments of Blacks in Canada this Black History Month, it is important to recognize the challenges faced by Black communities across the country.

Last October, the Minister of Diversity introduced the \$200-million, Black-led philanthropic endowment fund aimed at improving the social and economic well-being of Blacks in Canada.

May the minister provide an update on this substantial initiative, please?

Hon. Ahmed Hussen (Minister of Housing and Diversity and Inclusion, Lib.): Mr. Speaker, I want to thank the hon. member for Bourassa for his important advocacy on this matter.

As part of our government's commitment to eliminating anti-Black racism and improving social and economic outcomes in Black Canadian communities, we launched the first-ever Black-led philanthropic endowment fund.

Just yesterday, I was pleased to announce that, after a fair and transparent call for proposals, the Foundation for Black Communities has been chosen to administer the fund. Simply put, this fund will provide much-needed resources to Black Canadian charities and non-profits that have done so much for so many with so few resources.

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CANADA REVENUE AGENCY

Hon. Kerry-Lynne Findlay (South Surrey—White Rock, CPC): Mr. Speaker, after eight years of the Liberal Prime Minister, we have an economy that punishes the middle class and those struggling to stay in it, but Liberal friends are doing great. Thirty-seven corporations took the Liberal wage subsidy and then spent \$173 billion on dividends, share buybacks and takeovers. The Liberals are refusing to make them pay back the money, so Canadi-

Oral Questions

an workers foot the bill when they can barely afford mortgages, rent and groceries.

When will the Liberals force their corporate friends to pay back that money?

Hon. Mark Holland (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the parliamentary secretary has been up many times on this subject. The reality is that the process of collecting money is ongoing. I would remind the party opposite that it opposed, at that moment in time, many of the measures that were critical to making sure we got money out instantly to those who needed it to keep doors open and to keep businesses going. We have an opportunity to talk to those businesses every day and hear that is the truth.

They are not only wrong about that, but when they say things like eight years instead of seven years, and I know they are bad at math, I would ask them to be a little more realistic in how they are speaking.

Hon. Kerry-Lynne Findlay (South Surrey—White Rock, CPC): Mr. Speaker, we supported businesses staying open. We did not support large dividends for their large corporate friends.

The minister refuses to do her job, after eight years in her portfolio and 10,000 more tax collectors. It is her duty to go after fraud of any taxpayer money. She protects wealthy shareholders and executives, her government drives up interest rates and inflation, and life becomes unaffordable for working Canadians. Even the Parliamentary Budget Officer is sounding the alarm on this incompetence.

Why does it feel like everything is broken? Because the Prime Minister will not do his job, so will he get out of the way and let Conservatives—

The Speaker: The hon. parliamentary secretary.

Mr. Peter Fragiskatos (Parliamentary Secretary to the Minister of National Revenue, Lib.): Mr. Speaker, the member talks about fiscal responsibility. While Conservatives continue to make the case, unfortunately, that crypto poses some kind of promising future for Canada, this government has introduced and will continue to do the vital work of standing by Canadians through the pandemic and into the future.

With respect to what the member raised on evasion and avoidance work, just with respect to the Panama papers in the response, 900 individuals have been identified as subjects of concern by the CRA, 160 audits are under way and 200 audits have come to completion. The work continues.

Oral Questions

• (1455)

[Translation]

Mr. Luc Berthold (Mégantic—L'Érable, CPC): Mr. Speaker, after eight years under this Prime Minister, nothing is too good for the Liberals' friends. While the middle class is struggling to make ends meet, big corporations are laughing all the way to the bank. Thirty-seven major corporations did not hesitate to claim billions of dollars in wage subsidies.

Do members know how they rewarded themselves? They gave themselves bonuses and dividends with Canadians' money.

Meanwhile, in our riding offices, we are getting calls from constituents who say that the CRA is breathing down their neck, when it has decided not to try to recoup the money from big corporations.

Will the Prime Minister take responsibility and reimburse Canadians?

Hon. Randy Boissonnault (Minister of Tourism and Associate Minister of Finance, Lib.): Mr. Speaker, let us be clear about the facts. The parliamentary secretary was quite right in what he said. Clearly, the CRA is still working on the wage subsidy audits. Our government implemented specific rules for recouping any misused wage subsidies, including those that were used to buy shares, pay bonuses or anything else.

We will find those who committed fraud. We will stand up for Canadians. We are there to meet Canadians' expectations. That is our job. We will do it.

Mr. Luc Berthold (Mégantic—L'Érable, CPC): Mr. Speaker, after eight years of this government, the Liberals do not even know what is going on in their own government. The commissioner of the Canada Revenue Agency said that it was not worth trying to recover the \$15 billion that was overpaid in corporate wage subsidies. It is not me saying that, it is the commissioner of the CRA. These people have been following the Prime Minister's lead for eight years.

Is the Prime Minister going to ask his Minister of National Revenue to do her job and get this money back, or is he going to ask her to step aside so we can fix his mistakes?

Hon. Randy Boissonnault (Minister of Tourism and Associate Minister of Finance, Lib.): Mr. Speaker, it has taken us seven years and a few months to undo the damage that was done by the Conservative government before us. It will take us many more years to continue to repair all the damage that the Conservatives have done to Canadians.

They claim to stand up for Canadians. We are the ones standing up for Canadians, with a strong economy. The Conservatives can complain, but we are here to deliver for Canadians.

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INTERNATIONAL TRADE

Mr. Simon-Pierre Savard-Tremblay (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, in his state of the union address, President Joe Biden had some pretty bad news for Quebec. He announced that he will be strengthening his buy America policy by

promising that all infrastructure projects will use only American materials. The first thing on his list was lumber.

Does anyone believe Ottawa is on the verge of resolving the trade dispute? President Joe Biden is not interested in respecting the agreement he signed. He came right out and said so.

When the president comes to Ottawa in March, will the Prime Minister stand up for our industries, including Quebec's forestry sector?

[English]

Hon. Mary Ng (Minister of International Trade, Export Promotion, Small Business and Economic Development, Lib.): Mr. Speaker, we will always defend Canadian industries. We will always defend the softwood lumber industry and that sector.

We just met with the American president not that long ago. We agreed that Canada and the United States have an important trading relationship. We do about four billion dollars' worth of trade a day. We are the most competitive in the world and we are fighting climate change.

When the Americans do business with Canada, workers benefit because of good-paying jobs in both countries. We are fighting climate change together. We are going to keep doing that.

[Translation]

Mr. Simon-Pierre Savard-Tremblay (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, all of our industrial sectors are worried about American protectionism. Nowadays, if one of our businesses has, say, \$50 million to invest in its own growth, it may hesitate to do so. It may wonder if it should pursue growth in Quebec or if it should focus its efforts on the United States for fear of being excluded from American contracts. President Biden's speech gives our businesses an incentive to leave.

When the Prime Minister meets with the president in March, will he stand up for Quebec's economy and remind the Americans they have to meet their obligations?

Hon. Pascale St-Onge (Minister of Sport and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec, Lib.): Mr. Speaker, I want to reassure my colleague. We have always stood up for Quebec and Canadian industries, and we will continue to do so.

We believe in the importance of softwood lumber, of developing tomorrow's economy, and of being front-runners in the electrification of transportation through the production of electric batteries.

There are a lot of great things on the horizon for Canada. As for Quebec, we are extremely well positioned. In our dealings with the Americans and the rest of the world, we will continue to defend our businesses and to take our place in tomorrow's economy.

• (1500)

PUBLIC SERVICES AND PROCUREMENT

Mr. Pierre Paul-Hus (Charlesbourg—Haute-Saint-Charles, CPC): Mr. Speaker, after eight years under this Prime Minister, unethical firms are still welcome to do business with his government.

Although deputy minister Paul Thomson stated that Canadian companies would not be eligible for federal contracts if one of its affiliates had been found guilty of a crime, he also claims that McKinsey does not meet the exclusion criteria. However, as a result of McKinsey's complicity, several thousand people died of an opioid overdose and many other lives were destroyed.

When will unethical firms be banned from doing business with the government of Canada?

Hon. Mona Fortier (President of the Treasury Board, Lib.): Mr. Speaker, I think it is important to remind Canadians that the previous government put in place an integrity regime, and we are following that regime to ensure that companies can do business in Canada.

We will continue to do business with companies that comply with the integrity regime.

[English]

Mrs. Stephanie Kusie (Calgary Midnapore, CPC): Mr. Speaker, after eight years of the government's inflationary spending, things are worse than ever for Canadians and they are struggling just to get by.

The government has given over \$100 million to McKinsey & Company. Why does the Prime Minister not just take responsibility that McKinsey is influencing the government and stop giving money to well-connected insiders?

Hon. Karina Gould (Minister of Families, Children and Social Development, Lib.): Mr. Speaker, when the members opposite talk about the spending we did over the past couple of years, they are talking about supports that we provided to Canadians at the height of the pandemic. They are talking about the Canada emergency response benefit that helped millions of Canadians to keep afloat during a very difficult time.

We are going to continue to be there for Canadians. We are going to be there when times are tough, and we are going to be there as things continue to get better.

Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC): Mr. Speaker, the minister across the way would have us believe that this gross largesse for McKinsey is somehow about helping families. Let me assure the member opposite that there will be austerity for McKinsey when the Conservatives take office, and there will be support available for Canadians.

Yesterday, the President of the Treasury Board could not answer my question about whether or not McKinsey is an ethical company. This should not be a difficult question given the record. Can any minister in the government answer this simple question: Does the government believe that McKinsey is an ethical company, yes or no?

Hon. Mark Holland (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the member across would know

Oral Questions

that contracts engaged by the public service are done at arm's length. I really hope the member is not saying that if the Conservatives ever had the opportunity to be in government, which I sincerely hope they do not, they would interfere in those contracts and choose politically which contracts would happen. That is what it sounded like from his question.

The reality is that contracts exist to expand the ability of the public service to do its work. Those contracts are engaged at the highest standard. Canada is known internationally for those standards, and they are done at arm's length.

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[Translation]

SPORT

Ms. Arielle Kayabaga (London West, Lib.): Mr. Speaker, since the COVID-19 pandemic, our Canadian athletes have been asking more and more for support and resources for their mental health.

Can the Minister of Sport and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec tell the House about the initiatives she put in place recently to help Canadian athletes?

Hon. Pascale St-Onge (Minister of Sport and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec, Lib.): Mr. Speaker, I want to begin by thanking my colleague for her question and for her support on this file, which is very important for our government.

My team and I are in regular contact with athletes across the country, and one thing that keeps coming up is mental health. That is why, last December, I announced \$2.4 million in funding for greater support for mental health for our Canadian athletes. They will have access to psychological help where they train, not just for performance-related issues but also for their overall well-being.

The health of Canadians also includes mental health and we do not want to leave anyone behind. That is why I am proud of my colleagues who announced \$198 billion to improve health care across the country.

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[English]

JUSTICE

Mr. Dane Lloyd (Sturgeon River—Parkland, CPC): Mr. Speaker, after eight years of radical Liberal experiments with our justice system, Canadians are less safe than ever. OPP Commissioner Thomas Carrique, along with all of Canada's premiers, is sounding the alarm. Soft-on-crime Liberal bail policies mean that there are more violent repeat offenders on our streets than ever. The consequences of these Liberal policies are fatal, and Canadians will not tolerate Liberal failure.

Oral Questions

When will the Prime Minister finally take responsibility and keep these violent thugs behind bars where they belong?

• (1505)

Hon. David Lametti (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, Canadians deserve to be safe and they deserve to feel safe. The laws on bail that we currently have are clear. If one poses a threat to society, he or she should not be out on bail.

I have met with provincial counterparts and have begun the process of discussing this with them. Indeed, this morning, the Minister of Public Safety and I met with the national leadership of police associations, including Chief Carrique, in order to get their suggestions for moving forward.

We all agree that it is a complex issue. It will require a number of different responses. We are working together.

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[Translation]

GOVERNMENT PRIORITIES

Mr. Joël Godin (Portneuf—Jacques-Cartier, CPC): Mr. Speaker, Canada has never been in worse shape. Crime is on a dramatic uptick and people are looking for ways to pay for food and housing. This government is taking advantage of its citizens. This Prime Minister has been leading our country for eight years, and we are headed straight for a wall. We need a change of direction.

What changes will the Prime Minister make to get Canada back on track?

Hon. Randy Boissonnault (Minister of Tourism and Associate Minister of Finance, Lib.): Mr. Speaker, here are the facts.

This country is the envy of the world in terms of how we have navigated the pandemic. All week long, Mr. Speaker, you have heard the Conservatives sowing fear and creating anxiety. Our job is to offer hope, to find solutions and to make plans. They have no plan. We have a plan that will meet Canadians' expectations and give them hope for the future.

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[English]

FISHERIES AND OCEANS

Mr. Rick Perkins (South Shore—St. Margarets, CPC): Mr. Speaker, after eight years of the Prime Minister, the Liberals have found a new strategy to kill jobs, and that is to protect mud. The Liberals are proposing to shut down the critical halibut and swordfish fisheries off Browns Bank with a new marine-protected area by the end of next year. More than 95% of the ocean floor that the Liberals are planning to protect is mud. Apparently, a fishing line 12 feet under the surface of the water is a danger to the mud 270 feet below.

Will the Liberal who wants to kill fishing jobs to protect the scarcity of mud—

The Speaker: The hon. parliamentary secretary.

Mr. Mike Kelloway (Parliamentary Secretary to the Minister of Fisheries, Oceans and the Canadian Coast Guard, Lib.): Mr. Speaker, I enjoy sitting on committee with the member opposite.

I think it is important to remember that there was a time when the Conservative Party was in power and it muzzled scientists, cut DFO jobs and did not give two hoots about anything related to keeping jobs in the community. When it comes to fishing and fishing communities, we have invested through the fish harvester benefit and we have invested in small craft harbours.

We know that small craft harbours and fishing jobs are the lifeblood of Atlantic Canadian communities and communities throughout Canada. We will continue to fight for them while he continues with his puns.

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INTERNATIONAL DEVELOPMENT

Mr. Churence Rogers (Bonavista—Burin—Trinity, Lib.): Mr. Speaker, this week is International Development Week, a week to inform, inspire and involve Canadians in Canada's international development efforts. While this week many organizations will be highlighting their efforts, it was reported by the United Nations that around 660 million people may still face hunger in 2030, in part due to the lasting effects of the COVID-19 pandemic on global food security.

Can the Minister of International Development share with the House how our government will help the most vulnerable?

Hon. Harjit S. Sajjan (Minister of International Development and Minister responsible for the Pacific Economic Development Agency of Canada, Lib.): Mr. Speaker, I want to thank the member for his important work in development.

This is a great opportunity for me to highlight International Development Week and our feminist international assistance policy. Through our feminist international assistance policy, we fund programs that address food security while giving women and girls equal access to education and resources. I will give members an example of this. A study found that if women farmers had the same access to resources as men, there would be an over 40% reduction of people living in hunger.

We will continue to fund programs that have a direct impact on reducing hunger around the world and that increase women and girls' participation in decision-making.

• (1510)

DISASTER ASSISTANCE

Ms. Heather McPherson (Edmonton Strathcona, NDP): Mr. Speaker, relief efforts in Turkey and Syria will need far more support in the coming weeks. Canadian partners are stepping up to help, but they need more support. So far, the government has only announced a matching fund for the Red Cross, not for the Humanitarian Coalition. The Humanitarian Coalition is a group of 12 Canadian leading international aid agencies that have vast experience in the region, and they are on the ground right now.

Will the government fix the matching fund to make sure that these Canadian organizations can deliver help to those who are displaced, grieving and deeply suffering right now?

Hon. Harjit S. Sajjan (Minister of International Development and Minister responsible for the Pacific Economic Development Agency of Canada, Lib.): Mr. Speaker, I want to thank the Humanitarian Coalition, a group of Canadian NGOs that do this amazing work.

Yes, we have announced a matching fund of \$10 million. This is in addition to the \$10 million we have already committed. Our needs assessment is currently ongoing and all options are on the table, including additional matching funds. We will even consider direct funding to the Humanitarian Coalition to help the tremendous work that it is doing on the ground.

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DEMOCRATIC INSTITUTIONS

Mr. Kevin Vuong (Spadina—Fort York, Ind.): Mr. Speaker, in The Hill Times of January 25, the government House leader stated that in the upcoming session, the government's third priority would be “protecting Canada’s economy and infrastructure from foreign interference and from the rise of despotism.” Presumably, the House leader includes protecting democracy and the Canada Elections Act among these goals.

Can the House leader inform this House how that top priority is coming along? Moreover, is the government now aware of any sitting MP or 2021 federal election candidate who was subjected to foreign interference or who was themselves involved in such illegal activities?

Ms. Jennifer O'Connell (Parliamentary Secretary to the Minister of Intergovernmental Affairs, Infrastructure and Communities, Lib.): Mr. Speaker, our government has taken the threat of foreign interference very seriously since the beginning when we took office. We heard just this week that a former ambassador to Stephen Harper was concerned about these things. However, if members note, none of the recommendations, nor the implementation of protecting our democracy and protecting our institutions, began until we took office.

We will continue to work with all parties and all parliamentarians to ensure that our institutions remain strong against the ongoing threat of foreign interference.

Business of the House

PRESENCE IN GALLERY

The Speaker: I draw the attention of hon. members to the presence in the gallery of finalists and winners of the 2022 Arctic Inspiration Prize. The finalists and winners from across Canada's Arctic are recognized for their innovative projects to improve the quality of life in their communities.

Some hon. members: Hear, hear!

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BUSINESS OF THE HOUSE

Hon. Andrew Scheer (Regina—Qu'Appelle, CPC): Mr. Speaker, I rise today for the traditional Thursday question, where the government has the opportunity to inform the House as to the legislation that we will be debating in the days ahead.

I do note that, after the House leaders' meeting, there were some conversations about a very important piece of legislation, Bill C-39. Conservatives feel very—

The Speaker: I am just going to interrupt the hon. House leader. I am going to ask everybody to keep it quiet so that we can hear the question.

The hon. opposition House leader.

Hon. Andrew Scheer: Mr. Speaker, Thursday is the day when the government informs the House as to the business for the coming days.

I want to note, in particular, the need to address Bill C-39, which has only been tabled very recently, despite the fact that the government had years knowing about a deadline to protect vulnerable Canadians as it relates to the medical assistance in dying regime. There is a deadline looming of March 17.

Conservatives feel very strongly that mental illness should not be the sole factor when considering medical assistance in dying. Therefore, we very much support passing this bill to establish more of a timeline for the government to get this right, and for parliamentarians to come together and get this part of the regime right.

I am hoping that when the government House leader rises to inform the House as to the calendar for the next few days, he can also tell us what the expectations are and how we can deal with this bill in a timely manner so it can get through the Senate and get royal assent to protect vulnerable Canadians who are struggling with mental illness.

Business of Supply

• (1515)

Hon. Mark Holland (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, as somebody who has had a battle with mental health issues, I can tell the hon. member that this bill, for our government, for myself and I believe for every member in this House, is something that is exceptionally important and something that we want to get right. We have had very good and deliberative discussions among all parties, and I think we have the opportunity to continue those deliberations to make sure that we get that balance right and that we meet the objective we all have of ensuring that we protect vulnerable people.

Tomorrow we will resume the second reading debate of Bill S-8, an act to amend the Immigration and Refugee Protection Act. On Monday and Wednesday, further to the opposition House leader's question, we will call Bill C-39, which extends the temporary exclusion of eligibility for medical assistance in dying where a person's sole medical condition is a mental illness until March 17, 2024. I would also like to inform the House that Tuesday and Thursday of next week shall be allotted days.

GOVERNMENT ORDERS

[English]

BUSINESS OF SUPPLY**OPPOSITION MOTION—USE OF THE NOTWITHSTANDING CLAUSE**

The House resumed consideration of the motion.

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, as we walked into members' statements, I was trying to highlight the importance of Canada's Charter of Rights and Freedoms, and that we should never take it for granted.

I believe that over the last 40 years we have seen that Canadians, from coast to coast to coast, not only have recognized the importance of it, but it has become a part of our values. When parliamentarians or others travel abroad, we get a sense of pride in the fact that so many other countries around the world look to Canada to demonstrate leadership on the issue of our Charter of Rights and Freedoms.

Yes, there is a clause in there called the notwithstanding clause. At the time, back in 1982, when it was ratified and when Pierre Elliott Trudeau, the Queen and Jean Chrétien as the Attorney General signed off on the Charter of Rights and Freedoms, there was a great sense of optimism. We can hold our heads high in terms of the way Canada is perceived around the world.

The notwithstanding clause was a part of it, and it was something that was put in place in order to demonstrate that Parliament is supreme. It is also something that should be very rarely used or referenced. What we have seen since 2017 is the issue of the pre-emptive usage of the notwithstanding clause. We should all be concerned about that.

We have Liberals on this side of the House who have stood up on that particular issue. The official opposition is nowhere to be found on the issue. That is quite concerning. When I ask questions of

Conservatives attempting to address the issue, the simple answer they provide is that it is not federal jurisdiction but provincial. I find that unfortunate because I think the vast majority of Canadians look to the Parliament of Canada to protect the fundamental freedoms and rights of individuals.

I have run out of time. I hope I get a couple of questions.

Mr. Tom Kmiec (Calgary Shepard, CPC): Mr. Speaker, I would like to ask the member if he could opine on the Egan v. Canada decision from 1995 and the Oakes test. He went on and on about section 33, which is the substance—

An hon. member: Oh, oh!

Mr. Tom Kmiec: Pardon me. Did you not like the accent on it?

• (1520)

The Speaker: Order.

I want to ask members to speak through the Speaker and not to each other, and I want to remind the hon. members to have a certain amount of respect for each other, so that we can have discussions that are somewhat civil in this hallowed place.

The hon. member for Calgary Shepard may continue.

Mr. Tom Kmiec: Mr. Speaker, as with you, English is not my first language. I grew up in the province of Quebec, so this is an issue that actually touches me very deeply. I am an *enfant de la loi 101*, as many Quebecers will recognize it. I knew neither French nor English when I came to this country, so when I ask a question about the Constitution of Canada and about the charter and how it affects us, I may not get the pronunciation of “Oakes test” precisely.

I would just like to know something about section 1 and the Oakes test that is used. Many Canadians and many constituents of mine are upset with how it was applied in Canada. They believe there were violations of their charter rights committed during the pandemic, so I would like to hear the member of the Liberal caucus, as we are talking about section 33 of the charter, opine on section 1 and the reasonable limits we can place on people's charter rights. Is the Oakes test sufficient for these times today?

Mr. Kevin Lamoureux: Mr. Speaker, I want to reflect on the motion the Bloc has brought forward to the House today, which is of very grave concern. All of us should be taking a look, and the example we have used is with regard to the Province of Ontario using the notwithstanding clause as a pre-emptive measure in order to squash union rights for free bargaining, affecting thousands of Ontarians.

Business of Supply

This was not in the 1990s. This was just last fall, and I would think that members on all sides of the House would be concerned. The Minister of Justice has made reference to the fact that we need to be clear that pre-emptive use of the notwithstanding clause is of concern to the government. The Prime Minister himself has made reference to that. The Conservative Party, in contrast, has been nowhere to be found. This is such an important issue, reflecting on the Charter of Rights and Freedoms and the notwithstanding clause, and the Conservatives have been silent. That is unfortunate.

The member might want to refer to something a number of years back, but what we are talking about is the issue of pre-emptive use of the notwithstanding clause. We should all be concerned about that.

Mr. Gord Johns (Courtenay—Alberni, NDP): Mr. Speaker, the Liberals say they are on the side of workers, but we have seen them basically stab workers in the back. I just have a simple question. Do the Liberals agree that using back-to-work legislation amounts to negotiating in bad faith, with or without the notwithstanding clause?

Mr. Kevin Lamoureux: Madam Speaker, I am not going to raise up the many times New Democratic administrations in provincial governments brought in back-to-work legislation. I am not going to fall into that trap.

I believe what we are really talking about is governments, provincial governments in particular, using the notwithstanding clause in a pre-emptive fashion. I am emphasizing that, because whenever we institute the notwithstanding clause, we are talking about taking away rights and freedoms, and the example I am using is one that is very recent.

What I would like to see is members reflect on what took place in the province of Ontario and cite their opinion. I have no idea. The Conservative Party's position, for example, seems to be "We don't care about what the Province of Ontario was doing. It's not our business, because it wasn't in our jurisdiction." I would argue that they should care. When we are talking about the notwithstanding clause and the Charter of Rights and Freedoms, we all have a vested interest.

How many times have we talked collectively about human rights abroad? Countries around the world look to Canada and our Charter of Rights and Freedoms. They see the notwithstanding clause, and if in fact it is abused by pre-emptive measures, that does not reflect well on us as a nation.

• (1525)

[*Translation*]

Mrs. Claude DeBellefeuille (Salaberry—Suroît, BQ): Madam Speaker, I wish to inform you that I will be sharing my time with the fabulous member for Manicouagan.

We are here today to reiterate a fact to everyone and to all federal parliamentarians, specifically, "That the House remind the government that it is solely up to Quebec and the provinces to decide on the use of the notwithstanding clause".

That is what today's Bloc Québécois motion is all about. It is an opportunity for parliamentarians to clearly indicate their support for

a well-known provision of the Canadian Constitution that has been used on many occasions, particularly by the Government of Quebec.

The reason it is important to protect this provision, to send a loud and clear message, is because the Liberal government has recently been calling this provision into question, through the voice of the Prime Minister himself. This is not trivial. It is extremely important, and surprising at the same time.

The Prime Minister is talking about a major paradigm shift in relations between Ottawa, Quebec, the provinces and the territories. The Prime Minister is questioning the ability of Quebec and the provinces to decide for themselves. The Prime Minister is suggesting that using the notwithstanding clause is fine, but only when he thinks it is appropriate. That is why our motion is important.

Before the Supreme Court of Canada is called upon by the government across the way to rule on the use of the notwithstanding clause, let us send a very clear message. The notwithstanding clause is an essential clause in the federative pact. Without the notwithstanding clause, there would be no federative pact as we know it. It is the provinces, not Quebec, that managed to grab this right to difference.

I will humbly submit that the notwithstanding clause is the bare minimum for respecting the democratic agenda of the National Assembly of Quebec. Calling into question the right of Quebec and the provinces to use the notwithstanding clause is the symptom of a much deeper problem. The federal government is calling into question this constitutional provision in a very specific context.

The context, in my view, is the very recent passing of two laws in Quebec, one on language and the other on state secularism, that use the notwithstanding clause. These two laws share the fact that they deal with fundamental aspects of Quebec's identity, namely language and our own idea of secularism.

These two laws enjoy a broad consensus among the Quebec population. These two laws also share the fact that they have been debated, improved, commented on, studied, obviously criticized, but ultimately passed by elected members of the National Assembly of Quebec, with their eyes wide open, weighing everything in the balance.

It would seem, then, that the calling into question of the notwithstanding clause comes at a time when the Quebec National Assembly is asserting itself through these two laws. I point out this simultaneity because it is important.

Citizens may not be aware of it, but Quebec has used the notwithstanding clause several times in its history. While Quebec was repeatedly using the notwithstanding clause, no outcry questioning its choices could be heard.

Here are some examples to make that clear. Let us take the Act respecting La Financière agricole du Québec. Quebec wants to do everything it can to support the next generation of farmers, as the agricultural sector is essential to its economy and regions. We must therefore assist in some way the young farmers. This can be done only through invoking the notwithstanding clause. Has this created an outcry? The answer is no, not at all.

Business of Supply

Now let us take the employment equity act. Quebec is taking the lead in promoting the inclusion of all its citizens of different genders, backgrounds and abilities in its workplaces. This requires invoking the notwithstanding clause. Was there an outcry? The answer is no, not at all.

The federal government is quick to challenge the use of the notwithstanding clause in the Supreme Court of Canada.

Let us talk about small claims court, which is another concrete example. It is a Quebec innovation that allows citizens to resolve civil disputes in a more accessible, open and fair manner. The existence of such a court requires the notwithstanding clause.

• (1530)

Closer to home, there is the youth court. Quebec's elected officials are betting that protecting the identity of children during trials is more important than the right to a public trial. This requires the use of the notwithstanding clause. Is the judgment of Quebec's elected officials being called into question? Not at all. What I am trying to say is that in each of these cases Quebec proceeded in its own way. Our collective and democratic choices led to innovation and important legislation that all required the use of the notwithstanding clause. In these examples, the use of the notwithstanding clause was never called into question. Why is Quebec's right to make its own choices challenged as soon as we talk about language and secularism?

Perhaps citing these two recent Quebec laws, Bill 96 and Bill 21, which have elicited a rather public outcry on the Liberal benches, makes my argument a somewhat emotional one. They may be poor examples, so I will cite another.

Quebeckers remember how Liberal premier Robert Bourassa caused quite a stir, a very public stir, when he used the notwithstanding clause to protect the use of French alone on commercial signs. Times have certainly changed, but I think the debate is the same. The notwithstanding clause is all well and good except when Quebec wants to use it to assert itself. Then it is up for debate. This typical reaction to Quebec asserting itself is quite something. I wanted to briefly illustrate that in the context of today's debate.

In their speeches today, my Liberal and NDP colleagues have tried to distract our attention. Some members have raised the argument of pre-emptive use of the notwithstanding clause. They say that Quebec would short-circuit the judicial process by stating from the get-go that its law is legitimate, necessary and balanced even though it needs the notwithstanding clause. I see that as a convenient red herring for some MPs because today's motion does not even ask members to address that issue.

Today's motion merely affirms one fact: It confirms that federal MPs support section 33 of the Canadian Charter of Rights and Freedoms. I would ask my federal colleagues, even if they do not always support the decisions of their legislature, to make it clear that they recognize that their province's legislature is legitimate, and that it makes decisions democratically. In fact, what I am asking is that those members recognize the autonomy and sovereignty of their legislature.

I can tell the citizens of Salaberry—Suroît that my Bloc Québécois colleagues and I undeniably recognize the legitimacy and autonomy of the elected members of the Quebec National Assembly. The members are elected, and debates take place. Several parties and schools of thought are represented, civil society plays an active role, and the media is doing its job. We live under the rule of law. Basically, it is not always perfect, but what we can say is that the checks and balances work well in Quebec. Quebec's use of the notwithstanding clause has not upset this democratic balance of power. In fact, the notwithstanding clause is part of the balance of power of Quebec, its national assembly, its elected members and, ultimately, Quebeckers dealing with a federal government that is increasingly activist and less tolerant of the legitimate and measured decisions of Quebec society.

Let us decide for ourselves: Let us support the motion put forward by the leader of the Bloc Québécois, the member for Beauce—Chambly.

• (1535)

Hon. David Lametti (Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, I thank my colleague for her speech.

I would point out that René Lévesque was against the notwithstanding clause. He did not want it in his charter. He and Camille Laurin were great supporters of human rights. With the changes brought to the Quebec charter through Bills 21 and 96, we can no longer say that it is René Lévesque's and Camille Laurin's charter.

I would like my colleague to comment on the following. The trial judge on the Bill 21 case stated that the pre-emptive use of the notwithstanding clause suppressed not only the court's analysis, but also political debate. That is the opposite of what Robert Bourassa did legitimately when he used the notwithstanding clause after a Supreme Court decision was rendered.

Mrs. Claude DeBellefeuille: Madam Speaker, one side of the House giving the other side history lessons will not change the fact that Premier René Lévesque never signed the Constitution. He rejected it outright. The other provinces joined together to wrest the notwithstanding clause.

Madam Speaker, I hear my colleagues talking. I showed respect in listening to my colleague's question, and I would like him to show the same respect for me. I think it is a legitimate request.

My colleague has some legal background and I think he holds Professor Benoît Pelletier, who is a professor at the University of Ottawa and a former Liberal minister of intergovernmental affairs, in high regard. I would like to quote him:

One of the main dangers facing Quebec, like all other national minorities around the world, is the levelling effect of the courts. The notwithstanding clause has been used in the past to counter this tendency and to assert collective rights that are necessary to preserve minority cultures, but are nevertheless not explicitly recognized in the *Canadian Charter*. This is a—

The Assistant Deputy Speaker (Mrs. Carol Hughes): I am sorry to interrupt the hon. member, but her time is up.

Business of Supply

Some members of the House have further questions or comments.

The hon. member for Edmonton Strathcona.

[*English*]

Ms. Heather McPherson (Edmonton Strathcona, NDP): Madam Speaker, I am an Albertan and the use of the notwithstanding clause has been threatened and used in Alberta in the past under Ralph Klein.

As somebody who I expect recognizes that climate change is real and how important it is, does the member really want Danielle Smith to have the power to undermine our environmental protections, to do coal mining in the Rocky Mountains, to release water from tailings ponds that goes into the Northwest Territories? Is that really what she would like to see happen in our country?

[*Translation*]

Mrs. Claude DeBellefeuille: Madam Speaker, I often tell my hon. colleague that I believe she is a member of the wrong legislature.

I believe that if Albertans elect Danielle Smith as their premier, it is because they trust her. Democracy exists in her province as well. It is not up to Parliament, to the House of Commons to dictate what the provinces should do.

My colleague should campaign to beat Danielle Smith and elect a premier who will use these legislative and constitutional tools to serve the interests of the people of Alberta.

Mr. John Brassard (Barrie—Innisfil, CPC): Madam Speaker, the member referred to the fact that the Prime Minister used wedge politics to pit Canadians against Canadians and Quebecers against Quebecers. It should come as no surprise that he is creating a constitutional crisis to deflect attention from his failures.

Does she agree with me that the current Prime Minister has made the most use of wedge politics in the history of Canada?

Mrs. Claude DeBellefeuille: Madam Speaker, I do not know if he is the worst in that regard, but I think the facts speak for themselves.

I think that for some time now, the government, certain members and the Prime Minister have been working together on the difficult matters that divide Canadians and Quebecers. I also think that people expect us to do our absolute best and to represent our fellow citizens in the best way possible. In that sense, the Prime Minister is not setting a good example.

• (1540)

[*English*]

Mr. Mike Morrice: Madam Speaker, I rise on a point of order. Throughout the last series of questions and answers, it seems the feedback is still present. If you are hearing it also, I wonder if there might be a resolution of some kind.

The Assistant Deputy Speaker (Mrs. Carol Hughes): I have raised again that we can still hear the feedback. I am not sure if it is from the earpieces that we use. We will have some of the pages go around to ensure the earpieces are shut off at the desks where members are not present.

[*Translation*]

If there is still a problem, members can let me know.

The hon. member for Manicouagan.

Mrs. Marilène Gill (Manicouagan, BQ): Madam Speaker, as my colleague said earlier, the Bloc Québécois is asking the House today to recognize a fact by asking “[t]hat the House remind the government that it is solely up to Quebec and the provinces to decide on the use of the notwithstanding clause.”

Acknowledging a fact seems like a no-brainer. That said, history, even very recent history, reminds us that we should take nothing for granted. Nothing is ever a given.

This is serious. Think, for example, of Morgentaler reading the bills from the member for Yorkton—Melville, of Pythagoras learning of the Flat Earth Society, of John Locke hearing the Prime Minister of Canada exclaim on January 23, 2023, that he is going to intervene in the Supreme Court case involving Bill 21, right down to tagging the use of the notwithstanding clause. No, nothing is ever a given and no right is a given.

The Bloc Québécois knows this and is watching out for Quebecers, and even for the provinces and territories in this case. We want to reiterate that it is imperative that the House unanimously reaffirm that Quebec alone must decide when it should use the notwithstanding clause.

Does the Prime Minister really know Quebec? Does he even know the history of Quebec? I have my doubts, most of the time. To know Quebec is to love it, not fear it or coerce it.

Does the Prime Minister remember the people of Quebec who have slowly but surely distanced themselves from the church and its robes? Does he remember the long journey Quebecers have taken to achieve the full separation of church and state? Does he remember the night of the long knives? Does he recall that Quebec never signed the Constitution of 1982? Does he realize that perhaps, for Quebec, the notwithstanding clause is like a tiny bit of sugar in a glass of poison hemlock? I truly and sincerely do not think so.

To know Quebec is to recognize how enamoured it is with equality and freedom. It is to recognize that Quebec's biggest source of faith is intelligence and reason. It is to know that Quebec believes in the sovereignty of the state and that if it is subordinate to anyone, it can only be to itself, to the Quebec people.

The gods, whoever they may be, do not belong in the affairs of the state. They may be in the bedroom, in the kitchen, in the car, in the street, or in the church, mosque or synagogue, in a book or in our thoughts. They are certainly not here in the House or in the robe of any Supreme Court justices, who do not make the laws.

Business of Supply

Imagine for a moment what it means to a Quebecker like me, who knows and remembers her history, to theoretically be the subject of a monarch—a monarch who is the head of the Anglican Church, no less—and to sit in a Parliament where MPs ask the Christian god to legitimize their duties and their votes on a daily basis. As an elected representative, I answer to the people, not to gods.

Imagine, too, what it means to a Quebecker like me to hear the fear, arrogance, disdain and intolerance in the Prime Minister's articulation of the fundamentally dishonest and misleading stereotype of a xenophobic or even racist Quebec where freedom and equality are but mirages. As an elected representative, I answer to the people, not to myself.

The Prime Minister's outsized attack on Bill 21 is a violent attack on the people of Quebec, for what is violence if not one party imposing its will on another by force? Violence and democracy are two sides of the same coin.

Speaking of outsized, what is the elephant in the room here? What is this terrifying Bill 21 that gives the Prime Minister the green light to go ballistic on Quebec sovereignty, its national assembly and the will of the Quebec nation?

• (1545)

The law simply prohibits the wearing of religious symbols by state employees in a position of coercive authority, as well as teachers in the public school system, while grandfathering in those already in their positions on March 27, 2019, the day before the bill was introduced.

Bill 21 marks the separation of state and religious powers. It guarantees freedom and equality for all. Freedom of conscience remains. We must always keep in mind that we, as elected officials, are accountable to the people and I, as a Bloc Québécois MP, to my National Assembly.

I was listening this morning to the member for Outremont. In a nutshell, she said that using section 133, the notwithstanding clause, was not consistent with section 33. That was her concern. She is worried that the notwithstanding clause is a notwithstanding clause. I do not think the government intends to open up the Constitution, but what I am hearing is that there is a concern that Quebec is Quebec.

In closing I would say that the notwithstanding clause is a place for the Quebec nation in the Constitution of Canada, a document that René Lévesque never signed. It is a place to wrest a little freedom for Quebec. I think that is hyperbole. It is a little freedom for its identity, for its essence. Quebec is granted permission to exist using an exception.

By asking these judges to stifle the notwithstanding clause, the Prime Minister intends to stifle Quebec. Why is it that the only way the Prime Minister can be Canadian is to viciously attack Quebec? No nation has the right to dictate to another nation what it should be. Quebec has its values. Quebec is secular. The notwithstanding clause does not by any means allow Quebec enough room for its existence. No one can dictate to me the kind of person I should be. I

am for state secularism. I am a Quebecker. I am a separatist, and my bags have been packed for a long time now.

Ms. Rachel Bendayan (Parliamentary Secretary to the Minister of Tourism and Associate Minister of Finance, Lib.): Madam Speaker, my colleague took liberties in quoting me completely incorrectly. I would be happy to share my speech with her. She should not quote other members of the House if she does not have the correct information.

She keeps repeating that this Constitution was not signed by Quebec. That is a fact. That is true. Why are the Bloc Québécois and the member defending tooth and nail section 33 of a Constitution that, in her opinion, does not apply to Quebec?

• (1550)

Mrs. Marilène Gill: Madam Speaker, I would have preferred for my colleague from Outremont to tell me what she said this morning. In fact, I did not hear her. It would be difficult for me to—

Ms. Rachel Bendayan: Because you were not there.

Mrs. Claude DeBellefeuille: You need to listen.

Ms. Rachel Bendayan: I am listening.

Mrs. Marilène Gill: Madam Speaker, may I have the opportunity to reply?

The Assistant Deputy Speaker (Mrs. Carol Hughes): I would like to remind the hon. parliamentary secretary that she had the chance to ask a question and that she should wait for an answer. This is not a conversation where she can continue to talk.

The hon. member for Manicouagan.

Mrs. Marilène Gill: Madam Speaker, I was saying that, if the member for Outremont was not saying the same thing again and again using different words or stating the obvious this morning, then I would be completely open to hearing what she had to say and even reading the Hansard to find out. I understand that she was voicing a concern since she also brought it up in her last question.

To answer the second part of her question, as long as Quebec is not independent, then I will, of course, fight tooth and nail and more for Quebec, for any freedom it has and for anything that will give it more freedom, including this notwithstanding clause.

Mr. Joël Godin (Portneuf—Jacques-Cartier, CPC): Madam Speaker, before I ask my question, I would like to remind the House of something I heard earlier.

I heard the member for Salaberry—Suroît tell my NDP colleague from Edmonton Strathcona that perhaps she is serving in the wrong legislature. That is rather odd coming from a member of the Bloc Québécois, which is a separatist party serving in a federal Parliament.

We know that my colleague from Manicouagan is passionate about the separatist movement. That is her right and I respect that. I would like her to share her opinion on the fact that the Prime Minister is once again trying to sow division in Canada. I think that some separatists find that to be a stimulating topic.

Is it normal to have a Prime Minister who is once again trying to create a constitutional crisis with the notwithstanding clause? Is it acceptable?

In closing, I would like to say that the only party that can fix all this is the Conservative Party of Canada.

Mrs. Marilène Gill: Madam Speaker, I thank my colleague. I have to say that as a separatist, I do not need any extrinsic motivation. My intrinsic motivation is quite strong.

I would add that in any event, any nation with an appetite for freedom will use any means in its power. I represent people who voted for me as a representative of a fiercely separatist party. I represent my people and we have the right to sit here.

Secondly, I would say to my colleague, who wondered whether this was acceptable or if Canada was broken, that I do not need that kind of reason either. Canada can fix itself, but Quebec can live alone quite well, without Canada, whether broken or put back together.

[*English*]

Mr. Gord Johns (Courtenay—Alberni, NDP): Madam Speaker, I appreciate my colleague and good friend from the fisheries committee. Does she agree that the use of the notwithstanding clause to suspend rights should not be taken lightly and should only be used in exceptional circumstances?

[*Translation*]

Mrs. Marilène Gill: Madam Speaker, I imagine that the use of the notwithstanding clause would be entrusted to legislatures and my national assembly. I have to say that I have full confidence in the National Assembly of Quebec when it comes to the use of the notwithstanding clause.

That decision belongs to elected officials, who are also my representatives in my legislature, and I trust them to know how they use it or will use it.

Hon. David Lametti (Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, I will be sharing my time with the hon. member for St. Catharines.

I am pleased to speak today to the motion moved by the member for Beloeil—Chambly. I would first like to say that I am a Quebecker and that I am one of the Quebeckers who oppose Bill 21 and the use of the notwithstanding clause to violate the rights of minorities. I take inspiration from René Lévesque, who took the same position and did not want a notwithstanding clause in his charter. He was against the use of a notwithstanding clause to violate minority rights, and I completely agree with him.

I would also like to point out that in the speeches given by Bloc Québécois members, there is a basic assumption that there is only one way to be a Quebecker and only one Quebec voice. That is not the case. I am a proud Quebecker and I do not share the opinions expressed by my Bloc Québécois colleagues that there is only one way to view the Quebec nation.

According to my colleague's motion, it is solely up to the provinces to decide on the use of the notwithstanding clause when it pertains to current issues. This is a matter of very great impor-

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tance, not just for our government, but also for our society, our democracy and our country.

I want to make it clear from the outset that I am not questioning the fact that provinces have and should have the right to use the notwithstanding clause. What I am suggesting is that the notwithstanding clause was designed to be used only in exceptional circumstances, and only after the courts have had an opportunity to fully and rigorously consider a bill to determine whether it infringes on rights and freedoms.

The debate over the notwithstanding clause concerns all of us as Canadians. It is not specifically targeting Quebec or its government, nor does it target any other province in particular. It is a debate about the values of our free and democratic society. This involves fundamental freedoms, our democratic debates and the courts as guardians of our constitution.

Our government has always been very clear about its concerns over the pre-emptive use of the notwithstanding clause by the provinces. We have repeatedly stated that we are considering all of our options. We are firmly committed to defending the rights and freedoms protected by the charter. Many of us have strong positions on the use and role of the notwithstanding clause in our democracy. Our differences of opinion should not cause us to lose sight of the principles that underlie the debate.

● (1555)

[*English*]

Ultimately, that is why we disagree with the Bloc Québécois today. It is incumbent on all Canadians to participate in this discussion, including the federal government and members of the House. These are issues that deserve a national conversation. That is why our government has already said that we will intervene to challenge Bill 21 if and when it reaches the Supreme Court of Canada. Canadians expect the federal government to participate in any national dialogue about the use of the notwithstanding clause before our country's highest court.

[*Translation*]

The notwithstanding clause stems from political compromise. During constitutional negotiations, including the notwithstanding clause was, in part, what brought the Canadian Charter of Rights and Freedoms into being. It was a concession that paved the way for the adoption of this fundamental constitutional document, which has proven essential to maintaining our free and democratic society.

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The inclusion of the notwithstanding clause in the charter was not intended to provide Parliament or a provincial legislature with a mechanism to routinely override certain provisions of the charter. Rather, the broad consensus at the time was that the notwithstanding clause was an extraordinary remedy. Moreover, the notwithstanding clause was to be used by Parliament or a provincial legislature only in the most exceptional cases, where there was no other option. It was never intended to become a primary remedy to allow a government to abdicate its duty to protect fundamental rights and freedoms.

Indeed, we must be aware that the pre-emptive use of the notwithstanding clause by a legislature is an admission that the legislation violates the fundamental rights and freedoms that the charter provides for all Canadians.

In fact, section 1 of the charter allows the courts and legislators to consider the balance between individual rights and the interests of society in the framework of each new legislative initiative.

This broad historic consensus on the highly exceptional nature of the notwithstanding clause has resulted in its relatively rare use in the years that followed the patriation of the Constitution.

Before 2018, only three provincial legislatures had used the notwithstanding clause. In fact, Parliament has never used the notwithstanding clause.

• (1600)

[*English*]

That is why it is deeply concerning to see the increased use of the notwithstanding clause in recent years by different provincial legislatures. More troubling still is the growing trend of invoking the clause pre-emptively.

Pre-emptive use of the notwithstanding clause prevents the courts from having an opportunity to review legislation to determine whether it is consistent with the charter. It skips to the end of the process without the opportunity for debate and due consideration. One could say it eviscerates the process and the balances that are built in to the charter itself.

Let us remember what is at stake here. Section 33 allows Parliament or the legislature of a province to override the protections of section 2 and sections 7 to 15 of the charter.

Let us review but a few. Section 2 is our fundamental freedoms, which include freedom of expression, conscience, belief, religion and association. Section 7 is the right to life, liberty and security of the person. Section 15 is the right to equal treatment before and under the law, and equal protection and benefit of the law without discrimination.

These rights are critical to our society. In fact, I would say they are the pillars of our country's human rights framework.

I previously said that section 33 was meant to be the last word for the exercise of parliamentary sovereignty. When a legislature chooses to invoke section 33, this prevents the court from invalidating legislation that unjustifiably limits charter-listed protections. Canadians are thus prevented from obtaining remedies from legislation that violates their fundamental rights. That is why it was de-

signed to be used only in the most extraordinary and exceptional circumstances, as a last resort and not as a first move.

[*Translation*]

I taught civil law for years in Quebec, and the Quebec Civil Code is interpreted consistently. The same is true of the Canadian Charter of Rights and Freedoms, which protects our rights, from section 1, which strikes a balance, all the way through to its last section, section 33.

Our Constitution comprises a system of laws and fundamental principles that define the nature, functions and limits of the Canadian system of government, both at the federal and provincial levels. Our Constitution also establishes the three branches of government, namely the legislative, the executive and the judicial branches. As we know, each of them has a role to play in maintaining a fair balance and enabling Canadians to live in a healthy democracy.

Finally, it is also important to consider constitutional conventions, the rules that bind political actors and dictate how and when they should use the legislative or judicial powers, which are protected under the Constitution. The primary role of constitutional conventions is to ensure that these powers are exercised in accordance with the fundamental values that underpin the text of the provisions. In simpler terms, these powers must respect not only the provisions of the charter, but also the spirit of the charter.

This discussion must include the pre-emptive use of the notwithstanding clause. When a government decides to apply the notwithstanding clause to a bill before the courts have even had a chance to decide on its constitutionality, that in effect paralyzes the dialogue between the legislative and judicial powers. This dialogue, however, fosters a culture of human rights that is meant to be transparent, open and pragmatic and that allows all members of the public to share their views and participate in our democracy.

Before I wrap up and answer any questions, I would like to say this: I am a Quebecker, and it is clear that Quebec does not speak with just one voice and that Quebeckers express themselves in many ways.

Mr. Luc Thériault (Montcalm, BQ): Madam Speaker, first of all, I think the minister should not start a debate on that topic. It is a diversion. It is unnecessary. He is a Quebecker. The choice belongs to him. To be a Quebecker is a political choice and it is not the same as looking like a Quebecker. I suggest to him a book by Michael Mandel, a professor of constitutional law at York University in Toronto, *The Charter of Rights and Freedoms and the Judicialization of Politics in Canada*, written in the 1990s. If he has read the book, I do not think he understood it. The same applies to the member for Portneuf—Jacques-Cartier.

Now, I would like to say that I almost stood up earlier to raise a question of privilege, because the minister is misleading the House.

The Bloc motion calls for recognition of the Act respecting the Constitution Act, 1982, René Lévesque's law, which pre-emptively introduced the notwithstanding clause into all Quebec laws. This is what—

• (1605)

The Assistant Deputy Speaker (Mrs. Carol Hughes): I apologize, but I have to leave time for answers to questions. The hon. minister.

Hon. David Lametti: Madam Speaker, the hon. member has a point about—

Mr. Luc Thériault: —was able to ensure that—

The Assistant Deputy Speaker (Mrs. Carol Hughes): Order. I just cut off the hon. member for Montcalm because we were running out of time. He must now listen to the answer, even if he does not agree.

The hon. minister.

Hon. David Lametti: Madam Speaker, René Lévesque did not want a notwithstanding clause in his Quebec charter. He was in favour of individual rights in principle, but as Premier of Quebec—and to provoke then prime minister Trudeau—he put the notwithstanding clause in several Quebec bills over the course of at least a year. It was primarily a political strategy. He was against the notwithstanding clause. He did not want one in his own charter.

Mr. Joël Godin (Portneuf—Jacques-Cartier, CPC): Madam Speaker, I think it is unfortunate that the Minister of Justice just referred to a tool being used to provoke Quebecers and Canadians. I myself am proud to be a Quebecker and a Canadian. We just saw a dust-up between the Bloc Québécois and the Liberal Party. Can we deal with what actually matters? Can we deal with the fact that the Prime Minister has been in power for eight years?

We are in the middle of an economic crisis. People are having trouble paying their rent. They are having a hard time paying for housing, yet here we are arguing about a notwithstanding clause. The clause exists. Here is my question for my colleague.

How can he stop the provinces and territories from using a tool that is available? Does he trust the provinces' and territories' ability to manage?

Hon. David Lametti: Madam Speaker, like my hon. colleague, I am proud to be a Quebecker and a Canadian. To understand the structure of the charter and the rights protected, we must first look at the sections that balance part I, and then at section 33 on the notwithstanding clause. They have to be considered in a way that is consistent.

If the notwithstanding clause is used at the outset, it removes all rights and precludes the balancing process set out in section 1. The notwithstanding clause is the last word, not the first word. In our system, as my hon. colleague knows, we have a dialogue between the courts and the legislatures, so a province can use the notwithstanding clause, but following a court decision or, I would say, a court of appeal decision.

[*English*]

Ms. Heather McPherson (Edmonton Strathcona, NDP): Madam Speaker, like the minister, I am very worried about the in-

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creasing use of the notwithstanding clause, and my focus will be on human rights.

In 2000, in Alberta, Ralph Klein tried to use the notwithstanding clause to take away the rights of the SOGI community to same-sex marriage. He was not successful because the Supreme Court was able to speak to that.

I wonder if the minister could talk a bit about some of the risks posed to individual human rights if people like Danielle Smith were given this tool to use more frequently.

Hon. David Lametti: Madam Speaker, if one uses the notwithstanding clause at the beginning, one acts as if there is no charter. That was not the intention of the framers in 1981. It was there as a safety valve, as the last word, when Allan Blakeney and other western premiers advocated in its favour. It has a terrible impact.

The judge in the first instance decision in the Bill 21 case, the Hak case, in Quebec noted that the pre-emptive use of the charter cut off both judicial scrutiny and political debate. That is a tragedy for our democracy because it puts minorities at risk.

• (1610)

[*Translation*]

The Assistant Deputy Speaker (Mrs. Carol Hughes): Before continuing, I want to mention that I am doing my best to ensure that members have the opportunity to ask questions and receive answers within the allotted time.

As we only have five minutes for questions and comments, I am trying to allow for at least three questions in this amount of time: two questions and two answers of one minute each, and one question and one answer of 30 seconds each. I know that this is not ideal for everyone, but that is the time that has been allocated.

I hope this will give members some insight into how the Chair must proceed. It is not the Chair's intention to cut off members but rather to allot time to each member to ensure there is a good debate. It is up to the Chair to ensure that the House operates smoothly, including during debates.

Is the hon. member for Montcalm rising on a point of order?

Mr. Luc Thériault: Madam Speaker, yes, I have a point of order.

Since you mentioned it, I would urge you to ensure fairness and respect the rotation. Earlier, you twice recognized, twice in a row, an NDP member when it was our turn to speak. You also recognized the NDP when it was the Conservatives' turn to speak. I urge you to respect the rotation as soon as people stand up to indicate that they want to speak.

The Assistant Deputy Speaker (Mrs. Carol Hughes): This is becoming a debate, but what the member forgets is that they were not the same speakers. When one party speaks, the questions go to the other parties, unless there is plenty of time, in which case another question can be allowed.

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As I said, certainly the choice of person remains at the discretion of the Chair, but the Chair tries to be as fair as possible in the questions and comments.

I may have invited two people from the NDP to speak, just as I invited two people from the Conservative Party and two people from the Liberal Party, because the member giving the speech was from the Bloc Québécois.

The honourable member for Portneuf—Jacques-Cartier on a point of order.

Mr. Joël Godin: Madam Speaker, I would like to endorse what you just said and add that I let my Bloc Québécois colleague go ahead because it was the Conservatives' turn to speak. You handled the sitting masterfully, so thank you.

The Assistant Deputy Speaker (Mrs. Carol Hughes): I would like to add one last detail before we resume debate. This is an opposition day for the Bloc, which means the Bloc gets the first question in response to a government speech.

Resuming debate. The hon. Parliamentary Secretary to the Minister of Canadian Heritage.

[*English*]

Mr. Chris Bittle (Parliamentary Secretary to the Minister of Canadian Heritage, Lib.): Madam Speaker, it is an important topic that we are discussing today. What I have seen over the last few years has really worried me as an Ontario member of Parliament and as a lawyer, watching the Ford government in Ontario and its pre-emptive use of the notwithstanding clause. The interesting thing, though, is that at the same time we hear members of the Conservative Party say they are concerned about our government's actions on certain legislation. They say these actions impact freedom of expression, and if we are talking about measures that had to be taken during the pandemic, other rights within the charter.

As the Parliamentary Secretary to the Minister of Canadian Heritage, I listened to this alternate debate that did not exist in any type of reality saying that the government was engaged in censorship, which is patently false. However, the Conservatives worry about free speech and freedom of expression under section 2 of the charter. I stand with them. This is a fundamental right and freedom that Canadians have under the charter.

However, the silence was deafening when, in 2018, just a couple of months after the Ford government got elected, it pre-emptively invoked the notwithstanding clause. That was the first time it did so. The Ontario government did not wait or go through to the Supreme Court. The court did not hear it. What legislation did it do this on? It did it on an elections bill. The Ford government did it to prevent the court from finding that there was a violation of freedom of expression.

It was interesting to me at the time that from the so-called champions of freedom of speech and freedom of expression on the other side, the silence was deafening. We did not hear anything. The Conservatives were not willing to criticize a fellow Conservative government. I can understand that they are political allies and friends with Queen's Park. However, on preventing a court from finding a violation of free speech in an elections act a few months before the election, there was silence. Where were those champions

of the charter? It eventually went to the courts, and the Ford government did pull back from that the first time.

The second time, it did the same thing. The provincial government picked on vulnerable education workers. It picked on the rights of workers as guaranteed by the charter. Again, from the Conservatives, there was absolute silence. Where were the champions of freedom of expression at that point?

We had a member rise today to ask a question comparing the rights of the LGBT community to the rights of individuals under COVID. It was shocking to me that this would even come into the Conservative lexicon to compare those two rights together. Again I ask, where are the champions for actual rights that are being violated?

During the occupation of this city, we heard Conservatives time and time again. Especially after the invocation of the Emergencies Act, they said this was a violation of the charter, even though the Emergencies Act does not violate the charter. It did not remove any rights, but member after member claimed it did.

Once again, a few months after the fact, the Ontario government moved against workers and against custodians and educational support workers, who are the lowest-paid workers in our education system. Where was the Conservative Party, which claims to stand up for working people? There was deafening silence as the notwithstanding clause was again invoked pre-emptively by the Province of Ontario.

I do not know if, when they get up to talk about freedom expression, the Conservatives appreciate the irony that they sit on the sidelines when the notwithstanding clause is used in Ontario. It is disappointing. It is good that Ontarians stood up and the Ford government was forced to back down from that, because again, these were the most vulnerable workers in the education sector.

● (1615)

I would hope that all members in this place would stand up for our rights. These things are fundamentally important. We all stand here and condemn violations of other countries. I would hope to think that every member here supports that the rights of Canadians are guaranteed. I think we should express concern when those rights come under threat. Yes, the notwithstanding clause exists in the Charter of Rights and Freedoms, but to use it pre-emptively is to take away any debate, any discussion, any opportunity for the courts to step in and protect people's rights.

There is an acknowledgement within the charter that our rights are not absolute. The classic example that we are taught in law school on freedom of expression or freedom of speech is that we cannot yell “fire” in a crowded theatre. We would say that is understandable because it could lead to danger or harm; people could get killed. It is a criminal offence. The charter speaks to that in section 1 in terms of reasonable limits. It “guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.” The courts evaluate that through the Oakes test, and many a forest has been plowed down to make paper for all of the decisions on the Oakes test.

As a society, as a court, we have moved back and forth on what those reasonable limits are; we are still debating what these limits are in a free and democratic society. Any government that steps up to invoke the notwithstanding clause is looking at section 1 and saying that our legislation is not reasonably and demonstrably justified in a free and democratic society and that we need to put aside section 1 of the charter and the rest of it. This is surprising to me, as a lawyer and someone who likes to study history, as we look back and see these rights that have been hard fought and won.

As I mentioned, the member was trying to compare the rights of the LGBT community to those people, I assume, who had to wear a mask during a plane ride or those of us who could not leave the country because there was a global pandemic. This is disgusting, but that is what happened. Those rights were hard fought over decades. We saw the Prime Minister stand and give an apology, and we could see the victims of government abuse targeted the LGBT community in this place. It took 40-plus years to acknowledge the trauma that a government inflicted upon them. It was moving and touching, but those rights were hard fought over decades to come back and ensure that those rights are now enshrined in the charter. Even though it does not say “members of the LGBT community”, we know, and the court has found those rights in section 15.

This is an important debate, and I hope all members of this house stand for the rights of this country and for the rights that can be reasonably and demonstrably justified in a free and democratic society.

● (1620)

Mr. Tako Van Popta (Langley—Aldergrove, CPC): Madam Speaker, as I was listening to the speech from the parliamentary secretary, I do not know if I am amused or confused. At a time when Canadians are hurting so much because of inflation, the cost-of-living crisis and interest rates going up, when people in my community are worried about how they are going to put food on the table and how they are going to make their mortgage payments now that they are doubling, why are we having this phony constitutional crisis between the Liberals and the Bloc Québécois?

I do not believe that this is foremost. What does the parliamentary secretary have to say about focusing on the things that really matter to Canadians?

Mr. Chris Bittle: Madam Speaker, it is sad that the hon. member does not think that the rights of Canadians should be front and centre, but it is not up to the government what supply motions get debated.

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I would not think it would be front and centre to make pollution free in this country, but the hon. member stood up and voted to make pollution free and try to pass that up. It is the seventh time the Conservatives have done it in this Parliament. They think it is a joke that people are dying in floods and fires. They were telling jokes the other day about making hydroelectricity from atmospheric rivers—

The Assistant Deputy Speaker (Mrs. Carol Hughes): There is a point of order by the hon. member for Fort McMurray—Cold Lake.

Mrs. Laila Goodridge: Madam Speaker, as the member of Parliament for Fort McMurray—Cold Lake, a community that has had devastating fires, I do not think it is funny to be politicizing tragedy no matter where it is and—

● (1625)

The Assistant Deputy Speaker (Mrs. Carol Hughes): That is not a point of order; it is debate.

The hon. parliamentary secretary can finish his answer.

Mr. Chris Bittle: Madam Speaker, that is the member who yelled out when I spoke about making pollution free, so I think she should look her own constituents in the face and talk about jokes in this place.

[*Translation*]

Mr. Luc Thériault (Montcalm, BQ): Madam Speaker, I would like to know what my colleague thinks about one of the greatest minds in multiculturalism, Will Kymlicka.

Regarding the Quebec nation and its desire to have access to certain tools, such as the notwithstanding clause, Kymlicka wrote: “Had Quebec not been guaranteed these substantial powers—and hence protected from the possibility of being outvoted on key issues by the larger anglophone population—it is certain that Quebec either would not have joined Canada in 1867 or would have seceded sometime thereafter.”

[*English*]

Mr. Chris Bittle: Madam Speaker, the protection of the French language is fundamentally important, both for Quebec as a language minority within the country of Canada and for language minorities, especially francophone minorities, in other parts of the country. However, I would again point to the notwithstanding clause acknowledgement of a law that is not reasonably and demonstrably justified in a free and democratic society.

They are the words of the legislation; they are the words of the Constitution. That is something we really should take note of and be aware of when we are standing up to support that.

Ms. Heather McPherson (Edmonton Strathcona, NDP): Madam Speaker, a lot of my colleague's discussion today focused on human rights, which, of course, is very important to me. I do wonder why the government has not taken the opportunity to push for human rights for people around the world.

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The people of Afghanistan have been waiting for a very long time for the government to do a humanitarian carve-out. It has been promising this for 18 months. If Liberals really do believe in human rights, why are they not pushing for that?

Mr. Chris Bittle: Madam Speaker, I am a little confused by the question. The member is thoughtful on issues of human rights, but on the issue of Afghanistan, this government is bringing in tens of thousands of refugees, acknowledging the suffering that is going on there.

There are no Canadian soldiers on the ground. There are no Canadian Forces on the ground. It is difficult and challenging, but we will get there, not only in terms of Afghanistan but also for Uighurs, in the powerful motion moved by my hon. friend from the Liberal Party, and for Ukrainians. Canada is there.

Canada is known around the world as a fighter for human rights, and we will keep doing that as a government.

Mrs. Laila Goodridge (Fort McMurray—Cold Lake, CPC): Madam Speaker, I want to start by saying on this side of the House, Conservatives believe in supporting provincial jurisdiction and provincial competences, and I am very proud to be an Albertan. In Alberta, Peter Lougheed was initially one of the big fighters for this clause to protect provincial rights.

Albertans have been exceptionally clear that they do not support a carbon tax, and yet the government has decided to overrule that time and time again and continue to push forward its ideas. The Liberals are the only ones provoking and stoking a constitutional crisis in this country.

Mr. Chris Bittle: Madam Speaker, it is very clear the hon. member has not read it, or she would know that the carbon tax has nothing to do with the Charter of Rights and Freedoms.

[*Translation*]

Mr. Mario Simard (Jonquière, BQ): Madam Speaker, first, I would like to mention that I will be splitting my time with the mischievous member for Mirabel.

Now let us talk about the notwithstanding clause. I began by wondering why the Prime Minister wanted to restrict the use of the notwithstanding clause. When he came out and said that, the Prime Minister seemed to use his desire to protect individual rights as an excuse. He was talking about what Doug Ford had done to fight the unions. I would point out, by the way, that the outcry from the people of Ontario quickly caused Mr. Ford to back down.

Individual rights are being used as an excuse. It is kind of funny, though, because I think the only people in Canadian history who have had their individual rights really trampled on are the Quebecers in 1970. The War Measures Act came along and trampled on the rights of Quebecers. People were arrested in the middle of the night for the simple fact, the simple offence, of being sovereignists. They arrested Gaston Miron, a Quebec poet, in the middle of the night. When the federal government talks about respect for individual rights, we have some reason to have misgivings.

We are also talking about minority rights. The use of the notwithstanding clause troubles the federal government because it could contravene minority rights. This is where I want to stop, because

the crux of the problem is really about minority rights. It is important to understand this, and to understand which minority we are talking about. The crux of the problem is, in my opinion, quite simple; it is one of identity.

What really troubles the federal government is that the notwithstanding clause allows Quebecers to maintain their collective identity, which is different from that of Canadians, and some find that difficult to hear. To illustrate this, I will go back to something quite simple. How did this dispute come about?

To better understand this, we have to go back to 1963, when the federal government realized that something like a national identity was beginning to develop in Quebec. What did the federal government do in response? It created the Laurendeau-Dunton commission, a commission on bilingualism and biculturalism. The commission's objective was to formally recognize the Quebec nation. Canada was to become a bilingual and bicultural country.

However, there were people who started to think. They figured that if Quebecers were offered recognition, then they would not stop there. They would continue their journey toward self-government. As a result, Trudeau senior had the ingenious idea of saying that Canada, which could become a bilingual country, should instead become a multicultural country.

By recognizing all the cultures, we actually do not recognize any. All of the cultures are drowning in the Canadian mosaic. No culture takes precedence over any another. That was the first snub against Quebec. That is the first time that the federal government turned its back on Quebec during an exercise that it initiated when Quebec was participating in good faith and prepared to listen to the federal government's proposals.

The commission report ended up leading to multiculturalism, more specifically, institutional multiculturalism. I want to emphasize that term because I am going to talk about multiculturalism as a theory.

What does institutional multiculturalism mean? It means that, as a country, Canada recognizes the plurality of cultures, a mosaic of cultures and that no culture takes priority over any other. That means that Quebecers' unique culture is not recognized.

It began in 1963. The federal government abandoned Quebecers, who have a distinct culture and who, by virtue of the fact that they are a national minority, need certain measures to reinforce their place in federal institutions and ensure their survival as a people. The federal government abandoned them because it did not want to implement such measures.

• (1630)

Finally, the notwithstanding clause is used, in Quebec, as protection. Likewise, in Canada, the Canadian Constitution, which has evolved, allows people from ethnocultural minorities to ask for reasonable accommodation. This has been recognized. An ethnocultural minority can be exempt from the law by asking for a reasonable accommodation. This was the case in the Multani decision, which dealt with a young man who wanted to wear his kirpan to school.

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The same holds true for a national minority. The notwithstanding clause can be invoked to protect important elements of their identity, for example, Bill 21 on secularism and Bill 96 on language. That is what is bothering this Liberal government. That is what it wants to regulate. It wants to ensure that Quebec does not have the tools to preserve its identity forever. That is because the only worthwhile identity according to the federal government is the pan-Canadian identity. Quebeckers should be Canadians like everyone else, a nation no more.

My colleagues have surely heard that the Prime Minister has often used the idea that Canada is the first post-national country. I am not sure he understands what that is, but let us not be mean-spirited. In the same breath, he chirps about recognizing all first nations. I recognize the first nations, they exist. I want to see more of them, their expression, I want their languages to be protected. I understand the need for sensitivity about this. If we are a post-national country, how can we recognize the first nations but not recognize the Quebec nation? I keep asking myself that.

The explanation is really quite simple. The fear is that the Quebec nation will overshadow the Canadian nation and that it will ask for more autonomy. I will prove it by discussing a very interesting theory developed by Canadian philosopher Will Kymlicka.

Will Kymlicka has worked on multiculturalism for a long time—not institutional multiculturalism, which developed in the 1960s in Canada, but multiculturalism as a liberal theory. He says that there are two types of minorities that require protection. There are the ethnocultural minorities—the Jews, the Greeks, the Turks, might as well list them all, the Muslims—who, in multicultural countries, need to have some form of protection. This protection comes through the recognition they are given. This is essential and I agree. We must offer recognition to ethnic minorities. That recognition can sometimes take the form of reasonable accommodation and acknowledgement that their particular identity is valid.

Will Kymlicka also says, however, that there are not just ethnic minorities, there are also national minorities. That is where the problem lies. When Will Kymlicka talks about multiculturalism and says that there are national minorities, he says that those national minorities, in order to survive, need political autonomy, *autonomos* in Greek, or the power to create one's own laws. Impressive, no?

How can we define a collective identity if we cannot make our own laws? That makes it really difficult. Will Kymlicka says that ethnocultural minorities need recognition and national minorities need political autonomy. However, the federal government does not want political autonomy for Quebec. That is why it sees the notwithstanding clause as an abomination. The government is even distorting the rationale behind the notwithstanding clause by saying that it is becoming a threat to individual rights and a threat to minorities, when it actually allows the Quebec national minority to preserve its identity.

Bill 21 is an essential part of Quebec's collective identity. Our relationship to religion is different. The secularization of Quebec society during the Quiet Revolution is one of the founding myths of Quebec's identity.

My father's mother had 18 children. Does anybody know anyone who has 18 children these days? My grandmother passed away a long time ago, but if we could ask her how she feels about religion, I am not sure she would have a positive view. Quebec was built on this collective psyche. It is a reality that must be accepted, just as it must be accepted that the purpose of Bill 96 is to protect a minority language in North America as a whole.

• (1635)

Now this government and all the Liberal MPs from English-speaking Quebec are saying that Bill 96 will bully minorities. The English-speaking population of Quebec represents 8% of the total population but receives 30% of the funding for post-secondary institutions. If this is bullying minorities, I would love to be bullied in Canada.

[English]

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Madam Speaker, in listening to the member, one would think the primary motivation for the motion we have today from the Bloc is to talk about division and try to plant and continue to grow a seed of division inside the province of Quebec. The example I have been talking about is the Province of Ontario. I did not even make reference to Quebec. Ontario took a pre-emptive measure by using the notwithstanding clause to take advantage of labour unions, which affected thousands of teachers.

I am arguing that the federal government has a responsibility, and all the Bloc wants to talk about is the notwithstanding clause only applying or being utilized in the province of Quebec. Every member of the Liberal caucus has a love and passion for the province of Quebec that is just as great as that of the member opposite. The member sees Quebec in a different light. I see the province of Quebec as a very unique province that adds so much to our Canadian heritage, but what we are talking about—

• (1640)

The Assistant Deputy Speaker (Mrs. Carol Hughes): I am sorry to the hon. member. I have to cut him off here because I have to allow for other questions.

[Translation]

The hon. member for Jonquière.

Mr. Mario Simard: Madam Speaker, the parliamentary secretary is proving me right, because he is using the exact pretext I was talking about earlier.

Let us talk about what the notwithstanding clause is really for. In 1977, when Bill 101 came into force, everyone in Canada was complaining that it was disgusting and terrible and that the act needed to be repealed. Today, no one would go against what Bill 101 stands for. We know full well that it helped protect the French language.

Business of Supply

In 20 or 30 years, maybe other governments will follow Quebec's example and pass secularism laws, just like they did 20 years later with child care. That being said, the notwithstanding clause helped the French fact survive. I would like people to stop deflecting the debate by saying that Doug Ford used the notwithstanding clause to hassle the unions.

What we want in the future is to have this tool available so that a nation, the only francophone nation in North America, can ensure its survival.

[*English*]

Ms. Heather McPherson (Edmonton Strathcona, NDP): Madam Speaker, I think all of us in this place recognize that Canadians are struggling on a number of fronts right now. There is a health care crisis in this country. There is an affordability crisis in this country. There is a climate crisis in this country. I am wondering if the member thought this was the most important thing the Bloc could bring forward to represent the wishes of his constituents.

[*Translation*]

Mr. Mario Simard: Madam Speaker, that question is a classic.

It is a classic Conservative move to say now is not the time to be debating this. When we talk about Quebec, it is never the right time. The speech given by her colleague this morning mentioned that. It is never the right time to talk about Quebec, it is never the time to use an opposition day to express Quebec's views.

I would like to say to the member that we have had some futile debates. The most futile debate we have ever had in the House took place during the pandemic. We spent a day deciding if we should designate a day to celebrate oil in Canada.

We have had some debates that were far more futile than a debate on ensuring the survival of a nation.

[*English*]

Mr. John Brassard (Barrie—Innisfil, CPC): Madam Speaker, certainly nobody on our side is questioning the importance of this particular debate, but it is important to understand the number of crises happening in this country. I think the hon. member for Edmonton Strathcona hit the nail on the head. There are economic crises and constitutional crises that the Prime Minister is creating in order to distract from his many failures.

These crises are happening right across the country as a result of the Prime Minister, and I am wondering if the hon. member would like to comment on the distraction tactics and the division created by the Prime Minister every time he gets in trouble.

[*Translation*]

Mr. Mario Simard: Madam Speaker, the member for Charlesbourg—Haute-Saint-Charles said this morning that he thought this debate was futile.

This is what I would say to my colleague. If he wants to do something useful, he could tell us clearly whether the Conservative Party is for or against Bill 21 and Bill 96. I would like the Conservatives to tell us if they would challenge these laws in court if they

were in power. By answering this question, the member would be doing something useful in connection with today's debate.

The Assistant Deputy Speaker (Mrs. Carol Hughes): Order.

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 Spadina—Fort York, Infrastructure; and the hon. member for Edmonton Strathcona, Foreign Affairs.

Mr. Jean-Denis Garon (Mirabel, BQ): Madam Speaker, I am very pleased that you did not confuse me with the member for Jonquière, which would nonetheless have been a huge compliment.

Furthermore, Madam Speaker, please accept my regards because today is an important day for me, a very special day that I never thought I would see.

For years, the federal government, particularly the current Prime Minister, has told us that no one is interested in the Constitution, be they Quebeckers or Canadians, that constitutional debates are futile, that they are unimportant to our collective lives and, above all, that such things should not be discussed. Today we got his parliamentary secretary, but it got to the point where the Minister of Canadian Heritage, who is also, I presume, the minister for strife, came to tell us that we were looking for trouble by wanting to talk about the Constitution, a document we never signed and which is essentially the framework for this cohabitation within a federation to which I would obviously rather not belong.

By trying to make this a matter for the courts and possibly requiring a Supreme Court ruling, what the Prime Minister is doing is unilaterally changing the Constitution. The Constitution is clear. As most legal experts have said, or at least most legal experts who are not Liberals in the House, the notwithstanding clause is, by definition, pre-emptive. That is why the Prime Minister keeps repeating the word “pre-emptive”, to try to make us believe that it was once otherwise. However, the case law is clear: The notwithstanding clause is pre-emptive.

It exists precisely because of the current Prime Minister's behaviour. It is because of his paternalistic attitude and his tendency to tell Quebec what to do when he does not approve of the governments elected by Quebeckers. That is exactly why the notwithstanding clause exists, as a safety valve for the Quebec government and provincial governments.

Obviously, the Prime Minister is not a courageous man. He is a fraud. He has no courage. It took him 28 months to meet with the health ministers. The Prime Minister will never have the courage to say that he wants to reopen the Constitution. He will let the Supreme Court do his dirty work because it is win-win for him. The Supreme Court will likely say that he is wrong, but there is a small chance that the Supreme Court will create a loophole like it has done in the past because of the judges that the Prime Minister himself appointed.

Business of Supply

Today's debate is not on the notwithstanding clause. It is a debate about the Prime Minister's ego and his desire to dictate conditions to Quebec. It is a debate on this individual's ego. We are seeing it again in his desire to unilaterally rewrite the Constitution. He thinks he is above the law. He was born with a silver spoon in his mouth, and he sees no difference between himself, the Constitution, the law and institutions. This is the Prime Minister who caused the WE Charity scandal because he did not know the difference between the government, business, family and friends or between his bank account, the government's bank account and the public purse.

This is the Prime Minister who does not know, when he visits the Aga Khan, whether he is on vacation or on official business, and who does not know which bank account the expenses come out of. This is the Prime Minister who pays thousands and thousands of dollars for hotel rooms with gold faucets when he goes to see the monarchy. This is the Prime Minister who fired the minister over the SNC-Lavalin affair because he does not even like to see his own ministers obeying the law.

It is surprising that the Conflict of Interest and Ethics Commissioner's office does not have a chair with the Prime Minister's name on it. It is one scandal after another with him. That is why today's debate is about the Prime Minister's ego.

It is also a debate on the collective rights of Quebecers that we want to initiate. Let us not forget that Quebecers never signed a single Constitution. They never signed on the dotted line of any Constitution and they were subjugated.

In 1763, the first Constitution of this monarchy, which we celebrate and commemorate with the mace that lies before us, was imposed on us by force to assimilate us. Later, during the American Revolution, there was the Constitution of 1744, which granted us some rights because our love for the British was so great that they were afraid we would fight alongside the Americans.

They used us, essentially, and turned our rights against us. They gave us some, but only so they could come back more forcefully with the Constitutional Act, 1791, in which they never gave us responsible government, and in which they banned English from the public service because they took us for granted.

● (1645)

That is not even close to what happened with the Constitution of 1840. After the Patriotes rebellion, the monarchy and English Canada committed crimes against humanity in my own riding. They committed murder and rape and caused destruction with no apology or tears of any kind from the Prime Minister, even though we know he rarely misses an opportunity to turn on the waterworks.

The Constitution of 1840 was based on the Durham report, which said that French Canadians were a people with no history, no culture and no literature. That is what they thought of us and that is what they still think of us. I do not know if Lord Durham is looking down on us today, but I wonder what he would think about Canadian culture if he could see Don Cherry on Hockey Night in Canada on Saturday nights making francophobic comments that cause a backlash, but only in Quebec. What a rich culture Canada has.

That being said, the Constitution of 1867 is even worse. We did not sign the Constitution of 1867. Canada was the reject of the western world because England did not want it and neither did the United States. Some people got together, held two short conferences and created a confederation. There was never any democratic process. They went to England to impose this on us. The group was led by John A. Macdonald, a francophobic racist and Orangeman. He was an anti-French racist who spent his career working against francophones. That is how Canada was born. That is what the country is built on.

In 1982, the Constitution was patriated. The notion of parliamentary sovereignty came up again at that time. It was then that it became important to protect the sovereignty of Parliament in the jurisdictions of the provinces and Quebec.

Do members know who asked for this clause? It was British Columbia, Alberta and Saskatchewan. We would have likely asked for it too, but we were not there on the night of the long knives, the night the Constitution was forced on us. The Constitution was signed without us. I understand that members find it strange to see us defending the Constitution.

To hear the Liberals talk, they made one mistake, and that was giving Quebec rights, because this preserved the sovereignty of the Quebec Parliament. When they do something good for Quebec, they consider it a mistake. I can guarantee that I am not going to develop Stockholm syndrome anytime soon.

The great Canadian constitutional scholar Henri Brun said: "In English Canada, the refrain is 'Charter, Charter, Charter.' It has become the symbol of the Canadian nation. The Charter attempts to put individual rights ahead of collective rights and transfers decision-making power from politicians to judges. This concept is stronger in English Canada than in Quebec." That is what we are seeing today.

Peter Russell, a professor emeritus at the University of Toronto, says the Canadian Charter of Rights and Freedoms is still interpreted by judges, who are fallible and can make mistakes. Professor Russell says it is right that elected representatives have the final say on major decisions, but that does not mean the clause should be used willy-nilly.

This demonstrates the fact that Parliament must be sovereign.

What does all of today's debate remind us of? What can we conclude? It is that the constitutional history of Canada, from its beginnings to the present day, is the history of English Canada asking itself the following fundamental question: How do we manage this francophone people whom we colonized, crushed and attempted to assimilate by taking away its cultural symbols, including its very name, *les Canadiens*, so as to prevent it ever becoming fully independent?

What the Liberals are doing with the notwithstanding clause is the same as usual. It is despicable. They are trying to rewrite the rules in a cowardly, roundabout way. We Quebecers have fought to be able to emancipate ourselves. We have been fixated on freedom for hundreds of years. We will never give up the fight.

Business of Supply

• (1650)

[English]

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Madam Speaker, this should not be a debate about the province of Quebec. This should be a debate about the notwithstanding clause, the pre-emptive use of the notwithstanding clause, and the arguments for or against it.

The example I use continually is that of the Province of Ontario and the teachers' union. I would be interested in the member's thoughts regarding the Bloc's position concerning the notwithstanding clause being used in a pre-emptive manner against the teachers' union.

Could the member also explain why René Lévesque himself did not incorporate a notwithstanding clause in the Quebec charter when he was the premier?

• (1655)

[Translation]

Mr. Jean-Denis Garon: Madam Speaker, what Ontario does is its own business and the same goes for Alberta.

We do not like the government's habit of wanting to stick its nose where it does not belong, so I am not going to start doing the same thing.

As I said before, today's debate was actually initiated by the Prime Minister. It is the Prime Minister himself who wants to go before the courts when we are dealing with inflation and people are struggling. It is the Prime Minister himself who started all this.

Today's debate is about the lack of courage of the Prime Minister, who is unable to look Canadians and Quebecers in the eye, unable to talk openly about the Constitution and unable to do things properly.

The Prime Minister's father had his faults, but at least he had courage. Clearly, the Prime Minister did not inherit all of his father's qualities.

[English]

Mr. Daniel Blaikie (Elmwood—Transcona, NDP): Madam Speaker, while I disagree with it, the member can be of the opinion that he does not have a comment on what just happened in Ontario, and he can say that it should not be for others to have an opinion on what happens in Quebec. However, the notwithstanding clause is something that could be used not only by any provincial government, and this is not mentioned in the motion, but also by the federal government. How governments choose to use it in one jurisdiction will affect what is permissible politically, legally or otherwise in other jurisdictions.

It is not quite right to say that it does not matter how various governments are using the notwithstanding clause because it will matter, with social licence and political licence and ultimately in legal precedent of how various jurisdictions have used it. It would perhaps create the opportunity for certain uses of the notwithstanding clause that the member cannot currently imagine.

There are those of us who think it matters, and not just in how a particular province uses it. I imagine Bloc members could have some serious concerns with the possible uses of the notwithstanding clause by the federal government, so we need to appreciate that it does matter how it is used in various jurisdictions and that there are real impacts in other jurisdictions.

[Translation]

Mr. Jean-Denis Garon: Madam Speaker, this is an attempt to hijack the debate. I, for one, have problems with all kinds of laws, from a moral standpoint. There are laws that are passed in other Canadian provinces, in Quebec, in other countries and just about everywhere that I disagree with, whether they use the notwithstanding clause or not.

The precedents my colleague refers to come from trying to revoke the unconditional nature of the notwithstanding clause and add additional layers of interpretation, even though the Supreme Court has already been very clear.

The sovereignty of parliaments comes with the possibility that those parliaments will make mistakes. It also comes with the possibility that voters will sack governments that make mistakes.

Mr. Mario Beaulieu (La Pointe-de-l'Île, BQ): Madam Speaker, I congratulate my colleague on his speech. I believe, and I think he said something similar, that the notwithstanding clause is a kind of defence against the tyranny of the Canadian majority. As long as Quebec is not independent, we are a minority.

We had a Constitution imposed on us against our will, and we often have an Official Languages Act imposed on us against our will.

I would like to hear my colleague's thoughts on this.

Mr. Jean-Denis Garon: Madam Speaker, Canadians are interested in democracy in constitutional matters when they outnumber the minority nine to one.

We saw this in 1982. We saw it in 1867, when it was pretty much everyone against Quebec, and we saw it in the previous constitutions, when it was the monarchy against us.

Yes, Quebecers are a minority. I think that Quebec should be sovereign, and that would be much better for everyone.

Nonetheless, the notwithstanding clause can be used in a very healthy way, and its use, by definition, is preventive. What we are doing today is making sure that everyone can read a definition. Evidently, that is not always the case.

Business of Supply

[English]

Mr. Pat Kelly (Calgary Rocky Ridge, CPC): Madam Speaker, it is always an honour and a pleasure to join debates in the House of Commons. Here we are today. It is a Bloc opposition day, which is a day when the Bloc can choose anything it would like to put into a motion, and it is a bit of an unusual one today. The Bloc has chosen to spend our day and have a recorded vote on this motion, which purports to simply remind the federal government about the use of the notwithstanding clause.

Before I get too deep into this, I want to point out that it is my plan to share my time, so I want to make sure that we are clear about that.

The only way that one could really explain this debate to their constituents, or that I could explain it to my constituents, is that the Prime Minister thrives on dividing Canadians. The Prime Minister is always looking for different ways to divide Canadians. One of the tactics that the Prime Minister uses is to invent phony issues or phony responses to issues in order to divide political opposition. In this case, he has created a phony constitutional crisis over the use of the notwithstanding clause, and the Bloc has taken the bait; it has taken it hook, line and sinker.

The Prime Minister has divided Canadians throughout his tenure, east against west, Quebec against Alberta, Quebecers against themselves, and all manner of Canadians over many different issues. The Liberals try to slice up and dice Canadians in enough different ways to squeak through and try to win elections with minimal support. That is something the Prime Minister has succeeded in doing.

However, now, instead of using a fairly precious opposition day to hold the government to account for its incredible, in fact spectacular, failures, the Bloc is burning an opposition day by falling right into one of the Prime Minister's traps. The person happiest to be having this debate today is the Prime Minister. While the House is rehashing decades-old long discussion points about the Constitution and reliving the now 40-year history of the charter and the notwithstanding clause, the Prime Minister is avoiding a debate about how his government has made life unaffordable for millions of Canadians.

We are in the midst of a cost-of-living crisis. Inflation is at a 40-year high. People cannot afford groceries. People cannot afford to heat their homes. There are people in remote communities across Canada, including Quebec, who rely on heating oil to keep from freezing in the winter. Some of these remote residents are among the poorest people in Canada and they cannot afford to pay \$1,000 or more per month for home heating fuel, but they cannot live in homes without heat in winter.

While we are debating this motion, the Prime Minister is avoiding accountability for how he has deliberately made life unaffordable for Canadians with his punitive taxes, in particular the carbon tax. Therefore, although it is always a pleasure to engage in debate in the House, I wish that on an opposition day we could spend the day talking about the failures of the current government, instead of giving the government a day off.

It is not quite that bad. I guess it must be conceded that, while we are talking about this motion, the government is not moving its own motions. We are at least going a day when the government does not get any closer to passing terrible bills, like, say, Bill C-11, wherein the government seeks to give itself unprecedented control over what Canadians, including Quebecers, see, post or find on the Internet. In fact, it is a bit of a bizarre one, in that the Bloc has signalled that it will ultimately help the government pass Bill C-11 and give a federal agency the power to regulate what Quebecers see and find and post on the Internet. It is a strange one, but at least while we are talking about this motion today, that bill is not advancing.

• (1700)

Under the current government, life is increasingly unaffordable for Canadians. Rents have doubled across Canada's 10 largest cities, interest rates are at a 23-year high and consumer debt is at record highs. Nearly half the people who have variable rate mortgages in Canada say they are going to need to sell or walk away from their homes this year because they cannot afford the payments on the homes they already own. There is nothing happening in this debate today that is going to help any of these Canadians struggling with affordability.

We are playing the Liberals' game today. We are avoiding these issues through the motion before us and engaging in this manufactured constitutional crisis while the Prime Minister dodges these questions about affordability. He is also dodging questions about the ethics of the government and himself, and about the steady stream of ministers who have broken the law, including himself.

Today, while we relive old debates about this issue, the Prime Minister is avoiding accountability for the repeated violations by himself and government members throughout their tenure, their eight years in office, and also the way they hand out billions of dollars in lucrative consulting contracts to their well-connected friends.

While this debate rages, no further progress is made in dealing with any of these issues or in the crisis of public safety that has emerged under the government. Violent crime is up 32%, gang homicide is up over 90%, property crime is up and fraud is up.

Intellectual property theft is an issue too. We see this in the failures of Bill C-34, which we debated yesterday and which is failing to protect Canadians from the effects of foreign investment by state-owned enterprises. Canada also remains a prime destination for international money laundering. These are real issues that impact Canadians in their neighbourhoods, and this is exactly the kind of debate we should be having.

Business of Supply

The debate today, where this is avoided, is the kind of debate the Prime Minister wants. The Prime Minister wants a debate where he can avoid talking about how life has become unaffordable under the government and where he avoids accountability for his failure to deliver public services like the ability for the government to issue a passport and the ability of the government to process immigration applications, or any immigration services. Under the government, there is an immigration-file backlog of 2.5 million people.

The government is delighted to be talking about anything other than the colossal failures that have taken place under its watch. Its members are avoiding talking about the crisis of public finance that is brewing under the government, the spike in interest rates that is going to increasingly impair the government's ability to deliver basic services without cutting services or raising taxes as debt service costs continue to eat more and more of the federal budget.

This motion today is a lost opportunity to compel the government to be better. Oppositions should be about demanding better from the government through the process of debate to ensure the best ideas go forward, and challenging the government and identifying mistakes the government has made so it can correct them. That is how we serve our constituents. That is how we help ensure we have accountability from our governments and how we improve the services to Canadians.

I will end it there and let members ask questions, if they have any.

• (1705)

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Madam Speaker, it is actually an opposition day, so it is the opposition that gets to determine what is going to be debated today. However, I have good news and bad news. The good news is that the Conservatives get an opposition day next week. That will be an opportunity for the Conservative Party to give all sorts of false information on the record.

The bad news is that, on this opposition day, we are still waiting for one Conservative to have the political courage to stand up and say that what Doug Ford did in regard to the pre-emptive usage of the notwithstanding clause to go against the rights of unionized workers, against thousands of teachers, was wrong. I will say that.

Will the member be the first Conservative to be bold enough to say that Doug Ford was wrong?

• (1710)

Mr. Pat Kelly: Madam Speaker, this Manitoba MP is quite something. He gets up and demands that I, as an Alberta MP, weigh in on Ontario provincial politics while the government avoids accountability for the issues it is responsible for.

It is the perfect example of the type of deflection that the government engages in. Do members know how many times I have been asked by constituents to weigh in on the Ford government? Zero.

My constituents do not send me to Ottawa to talk about what goes on in Queen's Park. They do not send him here to talk about that either.

[*Translation*]

Mr. Luc Thériault (Montcalm, BQ): Madam Speaker, I heard my colleague say that we had better things to do than to talk about the notwithstanding clause.

However, I would point out to him that the notwithstanding clause ensures two things for the Quebec nation and the Quebec National Assembly: the separation of church and state, in the case of Bill 101, and the continued existence of the French language, thanks to Bill 96.

On behalf of a nation that intends on passing the test of time, I want give my colleague the chance to reconsider his words because if he still maintains that it is a lost cause for Quebecers, I want to make sure that he and his party face the political consequences of their position in Quebec.

[*English*]

Mr. Pat Kelly: Madam Speaker, I think this debate is a wasted opportunity to demand better service from the government for Canadians. It is up to the member's party and his caucus colleagues as to what they want to debate in the chamber, but no, I will stand by my comment that I think we could have done better in making the case and, through the debate process, arguing the shortcomings of the government and the numerous ways that this government specifically has made life less affordable for Canadians, our streets less safe and our public finances in far worse shape.

Ms. Heather McPherson (Edmonton Strathcona, NDP): Madam Speaker, earlier, my colleague mentioned that he did not want to talk about Ontario politics, certainly not with the member from Manitoba. Perhaps he would like to talk with an Alberta politician about politics in Alberta.

He thought this particular debate was painful because we were not talking about things that were so important to his constituents, my constituents and Canadians across the country.

Would he agree that, if this debate is not what Canadians want to hear, Albertans are probably not terribly interested in debating Danielle Smith's sovereignty act, which, again, is an overreach of the provincial government?

Could he comment on the sovereignty act and whether or not he supports that?

Mr. Pat Kelly: Madam Speaker, there will be a provincial election soon in Alberta and I invite this member to contest that provincial election, because all she does is come here and raise issues about provincial politics.

This is the federal Parliament. Let us focus on federal issues and let this member run in the provincial election if she wants to debate Danielle Smith on the sovereignty act.

[*Translation*]

Mr. Luc Thériault (Montcalm, BQ): Madam Speaker, I will try to remain calm even though I heard arguments throughout the day that really betray ignorance.

When a human community established within the same territory has language, culture and heritage, when it is animated by a collective conscience and a desire to go down in history, and when all members of the community are on board with a common enterprise, that is called a nation.

The House of Commons claims to recognize the Quebec nation. The Quebec nation, via the people's elected representatives who make up its parliament, the National Assembly, democratically passed Bill 21 and Bill 96. The Canadian Constitution says that a parliament must be above governments. However, the Liberals currently in the House seem inclined toward the judicialization of politics. They lack courage and would rather refer the debate to the courts to decide in the people's stead. In the last election, the people of Quebec re-elected the 90 members of the government that introduced and passed these laws. Where, then, is the democratic deficit?

• (1715)

The Assistant Deputy Speaker (Mrs. Alexandra Mendès): It being 5:15 p.m., it is my duty to interrupt the proceedings and put forthwith every question necessary to dispose of the business of supply.

The question is on the motion.

[English]

If a member of a recognized party present in the House wishes that the motion be carried or carried on division or wishes to request a recorded division, I would invite them to rise and indicate it to the Chair.

[Translation]

Mr. Luc Thériault: Madam Speaker, I request a recorded division.

The Assistant Deputy Speaker (Mrs. Alexandra Mendès): Pursuant to order made on Thursday, June 23, 2022, the recorded division stands deferred until Monday, February 13, at the expiry of the time provided for Oral Questions.

[English]

Mr. Kevin Lamoureux: Madam Speaker, I suspect if you were to canvass the House, you would find unanimous consent to see the clock as 5:30 p.m.

[Translation]

The Assistant Deputy Speaker (Mrs. Alexandra Mendès): Is it agreed?

Some hon. members: Agreed.

[English]

PRIVATE MEMBERS' BUSINESS

[English]

PUBLIC SECTOR INTEGRITY ACT

The House resumed from November 2, 2022, consideration of the motion that Bill C-290, An Act to amend the Public Servants

Private Members' Business

Disclosure Protection Act, be read the second time and referred to a committee.

Mr. Kevin Lamoureux (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Madam Speaker, I think it is important to take a brief look at the summary of Bill C-290. It proposes to expand the protections of the PSDPA to additional categories of public servants, permit that a protected disclosure be made to any supervisor, add a duty to provide support to whistle-blowers and repeal sections of the act that prevent overlap with other recourse mechanisms and provisions that set out the standard of serious wrongdoings.

I want to highlight for members the importance of whistle-blower legislation. I had an opportunity here in Ottawa in the past and in the Manitoba legislature to talk about the importance of enabling whistle-blowing and enhancing legislation where we can. We know that the government has been working with stakeholders regarding how we can improve legislation, which is a process that has been under way for a while now. I do not necessarily know all of the details of it, but I do know how important it is that we recognize this particular process and, at the very least, acknowledge those who have put in so much effort to bring us to the point where we are today.

The legislation we are talking about, I would suggest, has a number of concerns within it. At the very least, if the legislation were to go to the next stage, no doubt it would require a number of amendments.

Our civil service puts in a phenomenal effort in many different respects. It was not that long ago that we turned to our civil servants and said, when going into the pandemic, that we needed to ensure we could develop the types of programs that would be there for Canadians. I want to acknowledge the types of efforts that were put in, and then at the tail end, I will talk about why it is important that we have whistle-blower legislation at the provincial and national levels. I will start by giving credit where credit is due.

When we went into the pandemic, there was no such thing as a CERB payment or a program that would provide hundreds of millions going into billions of dollars to Canadians. Virtually from ground zero, civil servants stepped up on a program of that nature. Earlier today, we talked at great length about the wage subsidy program. Again, it was civil servants who stepped up to provide that program. In general, the vast majority of things that take place within our civil service support Canadians seven days a week, 24 hours a day.

If one wanted to illustrate how effective our civil servants were, and still are obviously, in the creation of the programs I just referenced, we can put it into perspective: Nine million-plus Canadians received benefits, and none of that would have been possible if not for our civil service. It provided the financial resources that were necessary for people to sustain themselves. We can talk about the tens of thousands of businesses, some of which were highlighted earlier today and the CRA will follow through on, that benefited from the efforts of civil servants providing the programs and processes necessary to sustain companies and protect jobs so that Canada would be in a much better position.

Private Members' Business

• (1720)

The speaker before me on this legislation made reference to the issue of immigration. We have civil servants around the world who are there every day to ensure that we continue to grow and prosper as a nation through immigration policies. As immigration grows, the demands on those civil servants continue to grow and we provide the finances.

It is not all perfect, as we know. There are ways in which we can look at improving the system. I want to relay some statistics in regard to issues. For example, from 2007-08 to 2021-22, there were 161 internal disclosures that led to a finding of wrongdoing and 443 internal disclosures that led ultimately to corrective measures. PSIC had 17 cases that led to a finding of wrongdoing and corrective measures, along with two cases that led to corrective measures without finding any wrongdoing. In fact, eight cases were referred to the Public Servants Disclosure Protection Tribunal. There have been no findings of reprisal. I think that is really important.

This is the reason why we look at whistle-blower legislation and how we can improve upon the civil service. This is how I ultimately view it: How do we enhance what we already have as a world-class civil service? One of the ways we do that is by protecting those civil servants who are put into positions where there is a moral obligation or, at times, some form of quasi-legal aspect of having to report on something, so that there are no reprisals as a direct result of having to make that claim.

From 2016 to 2021-22, there were 505 reprisal complaints received by PSIC, leading to 62 investigations that were launched, with 22 of them being resolved through conciliation. I think it is important to note that data was not reported from 2007-08 and 2015. Over the last five years, the number of new allegations of wrongdoing made internally has averaged around 269 per year. Over the last five years, PSIC received an average of 145 disclosures of wrongdoing and 48 reprisal complaints.

I could go on with some of the stats, but I want to emphasize that we believe public servants who disclose serious wrongdoing must be protected. We recognize that. The Public Servants Disclosure Protection Act helps to ensure an ethical workplace culture and supports the integrity of the federal public sector.

As I started off my comments, I would like to conclude them by saying that I have witnessed first-hand, for many years as a parliamentarian, the outstanding performance of our civil servants at the national and other levels of government. Comparing Canada as a whole to other nations around the world, I think we can take a great sense of pride in it. I am glad to hear that the department itself is looking at ways in which we can even improve the system by incorporating whistle-blower legislation that will add true value to the process and protect our public servants.

• (1725)

Mrs. Kelly Block (Carlton Trail—Eagle Creek, CPC): Madam Speaker, I am pleased to rise today to speak to a bill that I believe is long overdue, as it addresses something that I believe is long overdue to be addressed.

Bill C-290 would amend the Public Servants Disclosure Protection Act to strengthen the current whistle-blower protections for

public servants. This is an excellent initiative, and I commend my colleague for introducing the bill.

As was mentioned in the sponsor of this bill's speech, while the Public Servants Disclosure Act is based on sound principles, it has a number of flaws. The bill before us seeks to address those flaws. That is why it is important to add these stronger protections sooner rather than later. Though it would seem that the desire to swiftly deliver stronger protections for whistle-blowers only exists on the opposition side of the House.

The government, after sitting on well-written recommendations for whistle-blower protections for five years, now wants to spend millions of dollars and more time studying them. The Liberals may even decide to procure the services of some outside consulting firm to tell them what they should do. We simply cannot continue to wait for them to get their act together.

Whistle-blower protections are fundamental to the functioning of our government. If public servants are afraid to raise the alarm, then corruption and wasteful spending run rampant. In the absence of these protections, a culture of fear arises. Public servants are worried about retaliatory actions being taken if they raise their concerns over government actions.

Oftentimes, it is public servants who lead to the public discovering a government's malfeasance. For example, at the beginning of this year, when CBC published its article detailing the McKinsey contracts, there was testimony from two IRCC employees who held major roles in the department. They spoke about the issues of contracting with McKinsey and their concerns on the condition of remaining anonymous.

If we had a system in place that would have protected them and allowed them to raise these concerns earlier, we may not be where we are now, with the government having given over \$100 million in contracts to McKinsey. That is why we must ensure that the protections for whistle-blowers are strong. The bill would do many things to strengthen these protections.

Bill C-290 would expand the definition of wrongdoing. It would broaden who is considered a supervisor, so that public servants could make a protected disclosure to any superior within their organization. This would allow public servants to go to any trusted superior to voice their concerns. It would give public servants more confidence in raising concerns if they know they can go to someone they trust outside of their direct superior.

Another good change that is being proposed through the bill is the extension of the deadline for filing a reprisal complaint from 60 days to one year. Giving public servants more time to file their complaints would ensure there is ample time for reprisal actions to be identified and punished. It is important that these concerns are heard and that bad actors are dealt with, or else we may have reoffenders.

Another aspect that is addressed in the bill is the penalty for reprisal against whistle-blowers and protections for whistle-blowers themselves. The significant increases in financial penalties for reprisals would be an important deterrent for possible bad actors who are trying to punish and silence whistle-blowers. The increased penalties would likely be a strong deterrent against reprisals.

The bill would also allow for a remedy to be provided to a whistle-blower if a reprisal action was taken. This is important, as not only could the whistle-blower be vindicated if reprisal actions are taken, but they could also be compensated in some way to make up for the reprisal action and ensuing consequences. Additionally, by giving superiors a duty to protect and provide support to public servants making a disclosure, whistle-blowers could be more confident when coming forward that this would indeed happen.

One last aspect of the bill that I want to focus on is the requirement to review the act every five years. I am sure that members of the governing party will enthusiastically welcome this addition, given their eagerness just now to review the act.

• (1730)

Obviously, we have seen that, without proactive attention, the shortcomings of the act have been exploited. As members may recall, the Public Servants Disclosure Protection Act was brought in under the previous Conservative government in 2006. This legislation was in response to the Liberal sponsorship scandal. Over the past several years, we have seen that the current whistle-blower protections are not sufficient.

As the sponsor of this bill said in his speech, we can probably count on two hands the number of people who have actually been protected under the current framework. We must do more. With a Prime Minister and cabinet that have been found guilty of a record five ethics breaches, we need to rely on whistle-blowers more than ever to bring to light the questionable and unethical, behind-the-scenes actions of the government.

We need only recall how the Prime Minister treated his former minister of justice when she stood up for the integrity of her office. She was quickly forced out. If a minister of the Crown cannot be protected, how can we expect public servants to come forward with their concerns? This bill is the first step we can take towards strengthening whistle-blower protections. Hopefully, we can reach the point where the government will fully implement all of the recommendations put forward by the Standing Committee on Government Operations and Estimates in 2017.

Conservatives have always been supportive of strong protections for whistle-blowers. That is why we are supporting this bill, just as we supported the 2017 recommendations from the OGGO committee then, and they were as follows: expanding the definition of the terms “wrongdoing” and “reprisal” and modifying the definition of

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the term “protected disclosure” under the act; amending the legislation to protect and support whistle-blowers and prevent retaliation against them; reversing the burden of proof from the whistle-blower onto the employer in cases of reprisals; providing legal and procedural advice, as necessary, to public servants seeking to make a protected disclosure of wrongdoing or file a reprisal complaint; embedding in the legislation confidentiality provisions of witnesses' identities; making the Office of the Public Sector Integrity Commissioner responsible for training, education and oversight responsibilities to standardize the internal disclosure process; and finally, implementing mandatory and timely reporting of disclosure activities.

As my colleague, the shadow minister for Treasury Board, stated last fall:

Conservatives have a long history of standing up for whistleblowers, first with the creation of the Public Servants Disclosure Protections Act under Prime Minister Stephen Harper as well as reforms to strengthen the act included in both our 2019 and 2021 platforms. As the Liberal government fails to prioritize these important protections, we will continue our work to stand up for public servants and protect whistleblowers.

I hope that all of these recommendations will be fully implemented sooner rather than later, and I think this bill is a great start. I also hope my colleagues on the government side will support it. If they do not, we will be left to speculate as to why they do not want public servants bringing forward concerns about the government's actions.

• (1735)

Mr. Daniel Blaikie (Elmwood—Transcona, NDP): Madam Speaker, it is a pleasure to rise this evening to support this bill going to committee. Obviously, whistle-blower protection is something quite serious and important. It is one of a few ways Canadians can come to know about misbehaviour or indeed rule-breaking and unethical behaviour within the government. The fact that Canada's whistle-blower regime needs to be improved is well known.

In 2021, the International Bar Association did a survey of about 50 different countries around the world, and Canada placed dead last in its assessment of our whistle-blower protection regime, so it stands to reason that we should take that to heart. In my first Parliament, in the 42nd Parliament, there was finally a rather extensive review of the legislation under a commitment by this very government that it would improve whistle-blower legislation. This resulted in a number of recommendations that were never acted upon.

We know, and it has been acknowledged in many different fora, both internationally and here at home, that our whistle-blower protection regime is not what it should be and not, what I dare say, Canadians expect.

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If we want to talk about gatekeepers, as some do in this place, one of the important ways of trying to create accountability for gatekeepers is to have the people who work under them able to confidently identify instances where they are not doing what they should be doing, where they are not working in the public interest they have sworn to work under or where their political masters are not doing that either. It becomes very important indeed that we have that kind of protection.

Of course the leader of the Conservative Party is someone who likes to talk a lot about gatekeepers and wanting to protect Canadians against them, but it was actually he, as minister in 2006, who introduced this legislation, which has been roundly panned as a terrible way of protecting whistle-blowers within the Canadian public service. Canadians should ask themselves how it is that somebody who managed to design one of the worst whistle-blower protection regimes in the world, or certainly within the 50 countries that were examined by the International Bar Association, will fare as a prime minister trying to stand up to gatekeepers.

We notice in other areas, such as when we talk about housing, for instance, that he wants to stand up against gatekeepers. He pretends that it is only municipal governments that are the problem, and that if only we could push them to approve permits faster, we would solve the housing crisis. There is no mention of the massive corporations that are making billions of dollars with the financialization of the Canadian housing market and the kinds of things we could be doing to make that less of a lucrative enterprise for these large corporations to be renovating tenants and putting them out on the street. There is no mention of that.

There is no mention of all the gatekeeping that happens in the economy by private actors. He is only seeing one part of the problem, which is government, and sometimes government is the problem. There are government gatekeepers, but here is an example where the cabinet minister had the opportunity to do something about a problem and actually designed one of the worst systems we know of to hold gatekeepers to account. I would just remind Canadians of some of these important facts this bill reminds me of, and it may remind others in the House, on the record of the leader of the official opposition.

However, I digress. It is important also to talk about the record of the government when it comes to whistle-blowing, because at one time the Prime Minister said that he cared about that and that he was aware of the shortcomings of Canada's whistle-blowing regime. Then, not for the first time, he did not follow through on making good on commitments to improve that regime.

Here we are, and a hot topic often in the House of Commons these days, and rightly so, is the extent to which firms such as McKinsey, and I will add, and would like to see my Conservative colleagues add these more often to that list, companies such as Deloitte, KPMG and others, which have also received huge contracts from the federal government.

How would one come to know about an 80-year contract, a contract that is good to the year 2100, is not competitive and does not lock in value for Canadian taxpayers, but actually just shifts expenditure from where it should be in a well-functioning, well-trained and well-supported public service to the arena of private contrac-

tors? We would expect somebody who was given the job of administering that contract to blow the whistle, but we cannot get access to that kind of information if people are worried that they will not be properly protected when they bring those kinds of things to light.

● (1740)

I think some of the contemporary topics here in the House of Commons highlight the importance of being able to get good information from our public servants by offering the protection they deserve when they see, in their workplace, that their superiors in the civil service or their political masters are not behaving in the public interest and doing things that rightly ought to be examined in this place, in the media and in all the other fora that matter when we talk about a well-functioning democracy.

We might also expect, frankly, a little more respect for our public servants. We are talking about whistle-blowing today, but another important aspect ties into this question around McKinsey, Deloitte, KPMG and PricewaterhouseCoopers. The government, which says it really values public servants, values the work they did during the pandemic and values that going forward, is not coming to the bargaining table to bargain in good faith with the very workers it is willing to praise with words in this place. When they go back to their departmental offices and it is time for action and time to honour those words in the collective bargaining process, the government takes a pass.

PSAC members at the taxation centre in the riding I represent, Elmwood—Transcona, have been without a contract for two years now. The government will not come to the table to talk to them about the offer that workers have put on the table, so they are contemplating strike action. How does that represent the commitment to respect the civil service that the government made in 2015 when it was also talking about improving whistle-blower protection? It does not.

How dare the government plead poverty at the bargaining table and say it does not have money to pay public servants what they are worth when it is hemorrhaging money out to companies like McKinsey, Deloitte, KPMG and PricewaterhouseCoopers to do work that properly belongs within the purview of the public service. It is unreal.

This perpetual inadequacy of the whistle-blower regime is just another way that a government that says it wants to respect its workers continues to show an incredible amount of disrespect to them. There is disrespect by not allowing them to bring forward problems from the workplace with adequate protections. There is disrespect by refusing to come to the bargaining table and negotiate in good faith. There is disrespect, while doing that, to be paying billions of dollars to private consultants to do the job that public servants were hired to do. The government then says it cannot invest in the public service. Well, that is poppycock because it has the money. It is just choosing to spend it elsewhere.

I am happy to be voting to send this bill to committee, not just to improve whistle-blower protection in Canada, which is long overdue, but also as part of a larger project of manifesting respect for our public servants, who, as others have said in this place, did an incredible service to Canadians in delivering pandemic relief programs on an urgent basis. In many cases, they did that from home while trying to manage children who were not at school and spouses who were also working their various jobs. It was difficult, and a lot of them still, as we all do, bear certain scars from that experience.

What has made it worse and what is tanking morale at a time when the federal government is struggling to provide basic services is this ongoing disrespect by not showing up at the bargaining table and not giving whistle-blowers the protection they deserve. Meanwhile, we find out the government has plenty of cash to pay its friends in the private sector to do the jobs of public servants.

That is why I am quite pleased to be voting to send this to committee, where I hope the whistle-blower portion of the project will be examined in greater detail.

• (1745)

[Translation]

Mr. Mario Simard (Jonquière, BQ): Madam Speaker, what a great bill.

I wondered which member had come up with this brilliant idea, and then I found out that it was the member for Mirabel, an inspiring member. How did he come up with this brilliant idea?

Unfortunately, people often mistakenly accuse us of looking for a fight, and yet we have plenty of solutions to offer all the time. The member for Mirabel had this fantastic idea to introduce a whistle-blower bill, after talking to people who had things to say to us, as one of the Mirabel member's look-alikes would put it. Anyone who watches *Infoman* once in a while knows what I am talking about.

After talking to people who had things to say to us and unfortunately perhaps felt uncomfortable saying those things, he came up with the fantastic idea of introducing this bill. I know that he spared no effort to move his idea forward. The bill we have today should reflect a consensus. I am under the impression that our NDP colleagues, our Liberal colleagues and our Conservative friends will be in favour of this, which shows that when members have good ideas, as is often the case with the Bloc Québécois, they can bring people together. It is fantastic to be able to bring about change.

Those were my congratulations. Now let us look at the issues at hand.

Only one person within the machinery of government is in a position to see the wrongdoing, illegal acts, instances of abuse of power—that, it must be said, still occur frequently—and, worse still, the political interference that often plays into decisions that should rest solely with the public service, not with partisan people. This means we have to live with the fact that, behind closed doors, public servants are often the eyes and ears of the people. The most important principle underlying democracy is access to information to make decisions. If mistakes are made from time to time and the information is not available, democracy as a whole suffers.

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When I say that public servants are the eyes and ears of democracy when it goes on behind closed doors, that is contradictory because there is another principle of significant importance to public servants: the duty of restraint. We know they must obey a hierarchy, that loyalty and allegiance to authority cannot be challenged and discretion is necessary. Public servants are asked to remain politically neutral. That falls under their duty of restraint, their honesty, their impartiality and the absence of conflicts of interest.

None of these very essential principles is questioned in the bill that my colleague is introducing. What needs to be questioned is a situation where the search for public good is obstructed by public servants invoking the duty of restraint for sometimes questionable reasons such as covering up wrongdoing.

This bill is incredibly timely. Looking at the current context, we can see a phenomenon in federal politics that may have existed before, but that is now growing quite significantly. Private enterprise is replacing the state. Members probably know where I am going with this.

I am thinking among other things of McKinsey, a private company that becomes a substitute for the state and writes public policy. We are no longer in the realm of strategic advice or expertise that is obtained externally. We are purely and simply watching a private company replacing us as elected officials. If we had good politicians, and I include myself in the criticism, they would be able to introduce bills and define interesting guidance for the public service, and that would make us move forward. Today, the state apparatus is trying to move away from politician- and public servant-led initiatives and relying more frequently on private firms.

• (1750)

This is quite troubling, especially when it comes to immigration. Personally, I must admit that the Century Initiative frightens me.

Some people have spoken to us about this. Some public servants who receive and see these communication plans or development ideas come in think that this in no way applies to their reality, even though they are the ones who know best how their department works. Still, the Liberals continue to invest a lot of money in this and in these consultants.

Of course, these public servants' superiors could listen to them. They have means at their disposal, but when things become too intense or if they go against the common good, there must be a way to alert the public and the media to get the word out.

That is the purpose of the bill introduced by my colleague from Mirabel, a bill to protect public servants who disclose wrongdoing. The bill has two objectives that are fairly simple but can have a significant impact. The first objective is to protect public servants who disclose wrongdoing in the public service, which can take many forms. The second objective is to establish a process for investigating the wrongdoing and help put an end to it.

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The bill would create a mechanism of sorts that would allow a public servant to report wrongdoing while remaining anonymous. This person would be protected from reprisals, such as being fired or demoted. Even private companies that receive government contracts could be covered and protected from the non-renewal of their contract. That is good.

I was thinking about this today, and it occurred to me that maybe we should look back at some questionable, not to say controversial, actions taken in the past by the government, actions this bill might have allowed us to get more information about.

Since I am a sovereigntist and that will never change, the first case that came to my mind was the sponsorship scandal. Allan Cutler, a.k.a. "Ma Chouette", was working for the Department of Public Works in 1995 when he sounded the alarm and started communicating with journalists. He was demoted that same year.

If we take a close look, the objective of the sponsorship program was, to use a vulgar phrase, to grease friends' palms with generous subsidies while trying to sabotage the sovereigntists by burnishing Canada's image. The scandal that was brought to light resulted in the demotion of a public servant in 1995, a person who would have been protected under this bill.

I am also thinking of public servants like Shiv Chopra, Margaret Haydon and Gérard Lambert, who reported health risks associated with bovine growth hormone and the government's inadequate measures to prevent mad cow disease. In 2004, all three were fired because they had had the audacity and courage to blow the whistle on a situation that could have had considerable impacts on public health.

I am also thinking of Sylvie Therrien, who was involved in the employment insurance quota affair. Members will recall that, in 2013, the Conservative government imposed quotas on EI officers to ferret out "repeat EI claimants". Ms. Therrien also incurred the wrath of the government because she had good intentions and wanted to raise a matter of public interest that made her work highly questionable.

I am also thinking of the University of Toronto's Centre for Free Expression, which said that the Phoenix scandal would probably have been brought to light much faster because several people wanted to be heard, but, once again, they feared the wrath of the public service and stayed quiet.

We could say the same thing about the Government of Quebec.

• (1755)

I will conclude by saying that it was high time such a bill was introduced. Based on a report by the International Bar Association, which compiled a list of 50 whistle-blower protection laws—

The Assistant Deputy Speaker (Mrs. Alexandra Mendès): I do apologize, but the member is well over his time.

The hon. member for Mirabel has a five-minute right of reply.

Mr. Jean-Denis Garon (Mirabel, BQ): Madam Speaker, I want to thank my colleagues from all parties for taking the time to consider the bill that I have brought to their attention. There were some constructive and positive comments in absolutely every case. This

gives me a lot of hope. I hope to see this bill studied in a non-partisan and constructive way in committee as well.

The people who need to be heard are not the MPs, certainly not the MP for Mirabel. Those who need to be listened to first are the public servants, the public service, those who work within the machinery of government and who feel a need to be better protected, even with the current protections in place.

Earlier, the parliamentary secretary said that there are not a lot of reprisals. Some people have talked to me about reprisals, demotions and threats within the public service. These people think they need to be better protected. That is why I am standing before my colleagues and before the House today.

The ones we should be listening to are the Canadian Bar Association, the unions, the former whistle-blowers, the witnesses of all stripes who came by the dozens to testify before the Standing Committee on Government Operations and Estimates several years ago. To date, none of the report's recommendations have been implemented.

The International Labour Organization has pointed out the importance of having a more effective whistle-blower regime. Newspaper columnists and journalists have been raising this issue for years, telling us that it is time to take action, not to hold more consultations first. Of course, we can have consultations. However, the pursuit of excellence is an ongoing process that should not be impeded by holding more consultations.

If anyone talked to the whistle-blowers who contacted me and who are the very reason I introduced this bill, they would realize that what we need to do today is listen to common sense and the common-sense recommendations found in the report of the Standing Committee on Government Operations and Estimates. Many recommendations from that report were incorporated into this bill.

Essentially, it offers protection for more public servants, for contract workers, for former public servants. It offers more anonymity for those who file complaints as well as witnesses. When someone is called to testify, when someone has noticed irregularities, as a complainant has, they are not protected under the current law. We must be able to entrust certain investigations to the auditor general. As we know, his or her work is fundamental to assessing complaints.

It was through the work of Sheila Fraser, the auditor general at the time, that the sponsorship scandal was uncovered. Today we are working to prevent further reprisals, to rewrite and expand the definition of wrongdoing, and to give more time and resources to public servants who want to do their duty with peace of mind, honesty and loyalty to the government, which they must serve first.

I have had some positive signals from the government. Clearly, I have received signals that are more than positive from the two opposition parties supporting me today, and I note that, when I introduced my bill, the minister launched a round of consultations for potential amendments to the act. This would result in significant delays in improving a regime that could be improved today. I hope that these consultations, which are most welcome, will not impede the process leading to the amendment and passage of this bill.

In conclusion, I would like to remind members that whistleblower legislation is obviously somewhat of a band-aid solution. It is no substitute in the long term for a profound change in culture in certain departments, Crown corporations and Crown agencies that need to make more significant changes to their way of doing things. I hope that the future coming into force of this bill will help them make changes in their culture that, in some cases more than others, are extremely necessary.

• (1800)

The Assistant Deputy Speaker (Mrs. Alexandra Mendès): The question is on the motion.

If a member of a recognized party present in the House wishes that the motion be carried or carried on division or wishes to request a recorded division, I would invite them to rise and indicate it to the Chair.

Mr. Jean-Denis Garon: Madam Speaker, I request a recorded division.

[English]

The Assistant Deputy Speaker (Mrs. Alexandra Mendès): Pursuant to order made on Thursday, June 23, 2022, the division stands deferred until Wednesday, February 15, at the expiry of the time provided for Oral Questions.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[English]

INFRASTRUCTURE

Mr. Kevin Vuong (Spadina—Fort York, Ind.): Madam Speaker, I am optimistic that tonight's debate on a previous question in the House will be responded to by the relevant representative for Canadian heritage as opposed to intergovernmental affairs.

It is likely tough to be coherent and understanding when it is not a matter under the jurisdiction of one's own department. Regardless, I want to ask again what I initially thought was a really straightforward question on a matter that is not only very much on the minds of many of my neighbours in Spadina—Fort York, but represents, to quote a constituent, "A loss to our community, the Greater Toronto Area residents, and the businesses along and in the waterfront neighbourhood."

On August 21, 2021, the federal government announced an investment of \$20 million for urgent repair and upgrade work at Toronto's Harbourfront Centre. The rationale was that improving culture and community infrastructure builds strong, dynamic and

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prosperous communities. However, such lofty objectives have fallen short of reality.

Part of the problem is that after obtaining the funds, Harbourfront Centre ignored obtaining input from residents, who very much wanted to see the funds put to good use in revitalizing Harbourfront so that it could still provide the updated quality of service and recreation that attracts over five million visitors annually.

In the winter months, Harbourfront's skating rink provides a well-attended attraction that has become a vibrant heart of our community, and it has been that way for decades. However, do not take my word for it. After a recent town hall that I convened on Harbourfront Centre, here are some of the comments that my constituents have said about the rink and the lack of public consultation.

Tracy told me that her four children enjoyed skating there. She said that it was so fun and that it was a free winter activity. The fact that Harbourfront Centre did not even consult the community is, in her words, egregious. She even asked whether the decision to uproot the rink involved "some kind of backroom shady deal".

Renata would like to remind the government that "downtown Toronto suffers from a shortage of parks and recreational activities for families during winter". She implores that this "beloved institution" be kept open.

Joan talked about how the skating rink has been the heart of the community.

Joe did not mince words. He would like the government to know that he does not "like the fact that fat pigs appointed by our government do whatever they want to the benefit of big fat corporations to get what they want."

Gordon Moores wanted his comments completely attributed to him. Gordon is appalled at this unconscionable decision and that it was done without consultation. He would like the government to know that when his wife was diagnosed with cancer, one of the very first things they did that same day was go skating on the Harbourfront Centre rink.

The Harbourfront Centre rink was the heart of our community, the heart of our city. It was the only place where people from across Toronto and across the GTA could actually skate right on the shores of Lake Ontario. It is something that many residents and many visitors have been doing for generations.

My question to my hon. colleague is this. Is he okay with the government giving away 20 million dollars' worth of taxpayer dollars with little public consultation?

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● (1805)

Mr. Chris Bittle (Parliamentary Secretary to the Minister of Canadian Heritage, Lib.): Madam Speaker, the opening of the member's speech about the Minister of Infrastructure was truly disingenuous, as he then asked an infrastructure question. However, I guess that is unsurprising given his disingenuous candidacy and the lack of information he shared with his constituents during that time. I think the constituents whose thoughts he shared would be quite surprised to find out what he hid from them and continues to hide from them.

Harbourfront Centre, as the member knows, is an independent non-profit cultural organization that provides internationally renowned programming in the arts, education and recreation, all within a collection of distinctive venues in the heart of Toronto's downtown waterfront. It is an organization with significant social and cultural impact. Over 4,000 events are programmed each year at Harbourfront, many of which are free of charge to the public. It is estimated that nearly five million people visit the Harbourfront Centre annually.

The institution works with hundreds of community stakeholders and organizations to offer events and festivals reflecting Canada's diverse society. I had the opportunity not too long ago to go to the Harbourfront Centre and engage with a Nordic cultural exchange. Each year, it hires over 1,000 professional artists from around the world, representing diverse communications and artistic disciplines. As such, investing in the Harbourfront Centre supports access to our arts, culture and recreation, and showcases the diversity and richness of life in Canada.

The Government of Canada has a long-standing relationship with Harbourfront Centre and provides annual funding and support for its operations and facilities. Harbourfront sits on 10 acres of Toronto's waterfront, an important destination for Torontonians and visitors alike. Its facilities include four theatres, an outdoor amphitheatre, the Power Plant Art Gallery, Harbourfront Craft and Design Studios, the Bill Boyle Artport and several additional exhibition areas, as well as marinas, piers, restaurants and many other indoor and outdoor spaces.

Much of Harbourfront Centre is repurposed from an industrial space that dates back long before its incorporation. Aging infrastructure is a challenge for the organization and it requires significant investment.

Organizations in the cultural sector, including Harbourfront, were hit badly during the pandemic. Budget 2021 included an investment of \$500 million over two years for the recovery fund for arts, culture, heritage and sport sectors, and the reopening fund, to help the sector return to its prepandemic strength. Substantial portions of these funds were invested in the live performing arts sector, community festivals, performing arts and music.

As part of that fund, an additional \$20 million was awarded to Harbourfront for capital infrastructure work over two years. This funding sought to address urgent capital improvements and repairs to update performance spaces and venues; address health and safety elements to welcome back artists, visitors and staff; provide greater accessibility to the site; achieve reductions in energy and water use targeting zero-carbon levels; and continue urgent capital repairs.

As an independent non-profit organization, Harbourfront is responsible for setting its priorities for ongoing infrastructure projects and making its own decisions accordingly.

Mr. Kevin Vuong: Madam Speaker, this is not the first time I have had a debate with the member, and it seems that each and every time, he makes it about me instead of the issue at hand. It is likely because he is having to rise to defend the indefensible.

The Harbourfront rink was an iconic venue. It is where new Canadians have come to learn to skate. I have heard from immigrants who have embraced skating and learned to skate on the very rink that is now being removed without any public consultation. It was a decision made behind closed doors by those who do not know the pulse of our community or care about what people want. Is this how the federal government cares about how \$20 million in taxpayer money is spent?

I call upon Canadian Heritage to review the terms of this contribution, including its initial plans, and the complete failure by Harbourfront Centre to undertake public consultations.

● (1810)

Mr. Chris Bittle: Madam Speaker, the member said "defend the indefensible" without irony. He still to this day has not addressed the charges against him that he hid from his constituents. It is shocking that every four to six months he pretends to care about issues relating to Canadian heritage.

The Minister of Heritage and his office are working on this file. Even today, the minister's office met with Harbourfront Centre. We are committed to the arts. We are doing it every day, not every few months when the hon. member thinks to come here and ask a question.

FOREIGN AFFAIRS

Ms. Heather McPherson (Edmonton Strathcona, NDP): Madam Speaker, it is an honour to stand today and address this place. I am here because I have tried multiple times, through multiple channels, to get information about the sanction regime that is being imposed by the Canadian government. I have asked questions through Order Paper questions. I have asked questions during question period, and I have raised it during debate, and yet it is impossible, as a parliamentarian, to get clear answers from the government on what is being done to ensure that our sanction regime is effective.

The reason this is so important is that the sanction regime is in fact the cornerstone of some of our foreign policy. We look at what is happening in Ukraine. We look at the illegal invasion by Russia of Ukraine and the horrific things being done by Vladimir Putin and his thugs within the Russian Federation. One of the tools we have, which could be one of the best tools we have, is the ability to sanction those oligarchs and make them pay for what they are doing to the people of Ukraine. We use sanctions in multiple countries. We are using sanctions in Haiti. We are sanctioning people in Iran. Though not nearly enough, we are sanctioning people responsible for the Tamil genocide.

However, the sanction regime is only as good as the enforcement, and right now that enforcement is not transparent. It is nothing that we can get any information on. It does not appear to be working at all. We have no idea why certain people are added to the list, when they are added to the list and what has been seized of their assets. It is extremely frustrating, for all of us in the House, not to be able to get these answers from the current government.

We have seen the Minister of Foreign Affairs stand up. The minister, frankly, hands out sanctions like she is Oprah Winfrey: “You get a sanction. You get a sanction.” All those people, those 1,600 people, should be on the sanction list. However, how fast do members think someone who is sanctioned is going to realize the sanctions do not matter if the Government of Canada is not enforcing those sanctions?

Let me tell a bit of a story. When I asked about the sanction regime and what was being seized, I was told that the government could point to only one asset that it had seized in six months in response to Putin's invasion: one asset, that of Roman Abramovich, of \$120 million. That is it. Sixteen hundred people are on the sanction list, and the government has seized \$120 million. That is a lot of money to me and that is a lot of money to members, but it is not a lot of money to Russian oligarchs. That is an embarrassingly small amount of money for Russian oligarchs.

How fast does the government think they are going to realize that the sanction regime is not strong in Canada? How fast does it think our allies are going to look at us and ask what is the point if we are not enforcing the sanctions? If the government is not putting the tools in place to enforce them, what is the point?

In 2017, the foreign affairs committee put forward recommendations on a sanction regime. The government has had ample time to implement those recommendations. It has not done so. I would love some information on why that is the case. I have been calling for a renewed study, five years later, of the sanction regime. I would like to see the foreign affairs committee study that, but at the moment that is not happening. I am going to need some answers.

• (1815)

Mr. Chris Bittle (Parliamentary Secretary to the Minister of Canadian Heritage, Lib.): Madam Speaker, I would like to thank the hon. member. It is my second question from her today, and she is consistent in her passion for human rights, both in Canada and abroad.

Canada and its allies work closely together to seek changes in policies and behaviour of individuals and foreign states engaged in

heinous acts. This includes co-operation and coordination on imposing sanction measures against the most egregious actors. Together, we are restricting the revenues and resources that fuel their violence to hinder their ability to operate politically, economically and militarily.

Over the past year alone, Canada has increased its use of sanctions in response to numerous global crises, including Russia's illegal and unjustifiable invasion of Ukraine, as well as respond to the situations in Iran, Myanmar and Haiti. In 2022 alone, Canada imposed 60 rounds of autonomous sanctions, representing an overall 150% increase in the use of this foreign policy tool over the previous four years combined.

In response to Russia's illegal and unjustifiable war, Canada has imposed a broad dealings ban with over 1,600 Russian, Belarusian and Ukrainian individuals and entities. In effect, the dealings ban freezes the assets of designated persons and bars those individuals and entities from transactions with Canadians or persons in Canada. Canada has also imposed a shipping ban and prohibitions on a broad array of key revenue-generating sectors. These measures are largely taken in coordination with our allies. As a result of the international community's coordinated sanctions, we are seeing impacts on Russia's economy. There is also evidence that Russia is becoming increasingly desperate to find ways to finance and wage its war.

On Iran, Canada has imposed broad measures denying access to the Canadian market and prohibiting sensitive goods, technology and sources of Canadian investment that could support the nefarious activities of this regime.

In Haiti, sanctions are having an impact and are recognized as being a key factor in the pressure on members of the elite to resolve the crisis, as demonstrated by the December 21 political accord, which was endorsed by a number of political factions and the private sector in that country.

Further, in Myanmar, Canada's sanctions target those responsible for violence and are consistent with Canada's commitment to uphold democracy and end impunity in Myanmar.

Enforcing sanctions is critical to ensuring their impact and effectiveness. The government takes this responsibility seriously. With interdepartmental collaboration, I would like to acknowledge and thank the Canadians and, in particular, those of the Canadian financial institutions, who have played a key role in enforcement, not only by disclosing dealings bans on individual entities but also in disclosing to the RCMP any assets in their possession.

Adjournment Proceedings

Recognizing that effective enforcement is a central part of the desired impact of Canada's sanctions, the Prime Minister announced, in October 2022, that new funding would support the creation of a dedicated sanctions bureau at Global Affairs Canada and enhance the capacity of Canada's enforcement agencies to carry out these duties. Additional resources will allow Canada to deepen its sanction capacity and align it better with our closest allies.

Ms. Heather McPherson: Madam Speaker, putting more people on the sanctions list if there is no enforcement of the sanctions is simply meaningless political theatre. The government should be ashamed of its actions on the sanctions regime.

Mr. Chris Bittle: Madam Speaker, Canada's sanction measures are unprecedented in their impact, scope and level of coordination with our international partners. We recognize the importance of ensuring the effectiveness of Canada's sanctions through enhanced en-

forcement, broader across-government coordination and increased co-operation with our allies and partners, particularly to catch sanction evaders. These new investments in Canada's sanctions capacity will help achieve these goals.

Sanctions are but one foreign policy tool among many. In addition to imposing sanctions against those responsible for a breach of Canada's international security, Canada has also provided much support and assistance to the people of Ukraine, Haiti, Iran and Myanmar.

The Assistant Deputy Speaker (Mrs. Alexandra Mendès): 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 6:19 p.m.)

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