



CANADA

# House of Commons Debates

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OFFICIAL REPORT  
(HANSARD)

**Thursday, December 10, 2009**

—

Speaker: The Honourable Peter Milliken

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# HOUSE OF COMMONS

Thursday, December 10, 2009

The House met at 10 a.m.

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*Prayers*

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## ROUTINE PROCEEDINGS

● (1005)

[English]

### FIRST NATIONS CERTAINTY OF LAND TITLE ACT

**Hon. Jay Hill (for the Minister of Indian Affairs and Northern Development)** moved for leave to introduce Bill C-63, An Act to amend the First Nations Commercial and Industrial Development Act and another Act in consequence thereof.

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

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### INTERPARLIAMENTARY DELEGATIONS

**Mr. Gordon Brown (Leeds—Grenville, CPC):** Mr. Speaker, pursuant to Standing Order 34(1) I have the honour to present to the House, in both official languages, the following reports of the Canadian delegation of the Canada-United States Interparliamentary Group respecting its participation at the following conferences: first, the Council of State Governments 64th Annual Meeting of the Midwestern Legislative Conference held in Overland Park, Kansas, August 9 to 12, 2009; and second, the Canadian/American Border Trade Alliance Conference, held in Washington, D.C., September 20 to 22, 2009.

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### COMMITTEES OF THE HOUSE

#### ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

**Mr. James Bezan (Selkirk—Interlake, CPC):** Mr. Speaker, I have the honour to present, in both official languages, the fifth report of the Standing Committee on Environment and Sustainable Development in relation to Bill C-311, An Act to ensure Canada assumes its responsibilities in preventing dangerous climate change.

The committee agreed to report the bill back to the House without amendment.

[Translation]

#### OFFICIAL LANGUAGES

**Mr. Steven Blaney (Lévis—Bellechasse, CPC):** Mr. Speaker, I would like to take this opportunity to wish you happy holidays.

I have the honour to present, in both official languages, the third report of the Standing Committee on Official Languages, which decided to adopt a motion on Tuesday, December 8, 2009, regarding the publication assistance program and the new Canada periodical fund.

#### INDUSTRY, SCIENCE AND TECHNOLOGY

**Hon. Michael Chong (Wellington—Halton Hills, CPC):** Mr. Speaker, I have the honour to present, in both official languages, the ninth report of the Standing Committee on Industry, Science and Technology, concerning its study of Bill C-309, An Act establishing the Economic Development Agency of Canada for the Region of Northern Ontario. The committee requests an extension of 30 days to be able to properly study the bill.

[English]

**The Speaker:** Pursuant to Standing Order 97.1(3)(a) a motion to concur in the report is deemed moved, the question deemed put, and a recorded division deemed demanded and deferred until Wednesday, January 27, 2010, immediately before the time provided for private members' business.

#### PUBLIC ACCOUNTS

**Mr. Daryl Kramp (Prince Edward—Hastings, CPC):** Mr. Speaker, today I have the honour to present, in both official languages, the 23rd report of the Standing Committee on Public Accounts in relation to its study of "Chapter 7, Acquisition of Leased Office Space of the May 2006 Report of the Auditor General of Canada (Place Victoria)"

Pursuant to Standing Order 109 of the House of Commons the committee requests the government to table a comprehensive response to this report.

#### NATURAL RESOURCES

**Mr. Leon Benoit (Vegreville—Wainwright, CPC):** Mr. Speaker, I have the honour to present, in both official languages, the fifth report of the Standing Committee on Natural Resources in relation to Bill C-20, An Act respecting civil liability and compensation for damage in case of a nuclear incident.

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

*Routine Proceedings*

## FISHERIES AND OCEANS

**Mr. Rodney Weston (Saint John, CPC):** Mr. Speaker, I have the honour to present, in both official languages, the ninth report of the Standing Committee on Fisheries and Oceans in relation to the operation and maintenance of small craft harbours.

Pursuant to Standing Order 109 of the House of Commons the committee requests the government to table a comprehensive response to this report.

• (1010)

## STATUS OF WOMEN

**Hon. Hedy Fry (Vancouver Centre, Lib.):** Mr. Speaker, I have the honour to present, in both official languages, the ninth report of the Standing Committee on the Status of Women in relation to pension security for women.

The study has allowed the committee to explore questions relating to both public and private pensions, and to examine the question of income security for women who have not participated in the paid workforce.

Pursuant to Standing Order 109 the committee requests a response from the government.

**Ms. Judy Wasylycia-Leis:** Mr. Speaker, on this day, which is United Nations Human Rights Day, I believe that if you were to seek it, you would find unanimous consent for the following motion. I move, seconded by the hon. member for Charleswood—St. James—Assiniboia, that this House calls upon the government to ratify the Convention on the Rights of Persons with Disabilities which was tabled in the House by the government on Thursday, December 3, 2009, as soon as all provinces have given their consent.

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

\* \* \*

[Translation]

## PETITIONS

## CANADA POST CORPORATION

**Hon. Maxime Bernier (Beauce, CPC):** Mr. Speaker, I am presenting petitions signed by constituents from a number of municipalities in my riding who are concerned that the moratorium on post office closures will be lifted.

Post offices are essential to the social and economic lives of communities, and the petitioners are urging the government to maintain the moratorium on post office closures. They also want the government to ask Canada Post to maintain, increase and improve postal services.

[English]

## ANIMAL WELFARE

**Hon. Geoff Regan (Halifax West, Lib.):** Mr. Speaker, I rise to present a petition in support of the Universal Declaration on Animal Welfare. Residents of Halifax West and other parts of Nova Scotia,

who have signed the petition, believe that efforts should be made to prevent animal cruelty and reduce animal suffering. The petitioners note that over one billion people globally rely on animals for their livelihoods. Many more rely on animals for companionship. This petition asks the Government of Canada to support the Universal Declaration on Animal Welfare.

[Translation]

## CANADA POST CORPORATION

**Mr. André Bellavance (Richmond—Arthabaska, BQ):** Mr. Speaker, I would like to present two petitions signed primarily by citizens of my riding, who are calling for the government to maintain the moratorium on rural post office closures. I have petitions signed by the people of Sainte-Clotilde-de-Horton and Kingsbury.

I have also received a number of resolutions from municipalities in my riding that urge the minister responsible for Canada Post to maintain public postal services and the related jobs.

The public wants postal services maintained.

[English]

## ANIMAL WELFARE

**Mr. Tony Martin (Sault Ste. Marie, NDP):** Mr. Speaker, I rise to present a petition this morning similar to the one that was previously presented calling for support for the Universal Declaration on Animal Welfare. It is signed by 165 people from across my riding.

## WIND FARMS

**Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC):** Mr. Speaker, I have two petitions. The first petition states that since the province of Ontario is planning multiple wind farm sites in the absence of independent science-based studies, the petitioners are asking that Parliament reject any funding applications for federal government assistance until the health and safety, planning, taxes, et cetera, have been considered by the Ontario government.

## NUCLEAR ENERGY

**Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC):** Mr. Speaker, the second petition involves the Canadian Institute for Neutron Scattering which has put together a proposal to replace the aging NRU with a new reactor using similar technology and situated at Chalk River.

## EMPLOYMENT INSURANCE

**Hon. Lawrence MacAulay (Cardigan, Lib.):** Mr. Speaker, I have a petition from a number of residents of the Cardigan riding in Prince Edward Island who are concerned about the employment insurance program in the fishery. The residents wish to draw the attention of the House of Commons to the following: that the fishers be allowed to use the 2008 earnings to determine their 2009 eligibility and benefit rate for fishing EI to offset the lost income and the consequence it has on an overall annual income to fishermen of eastern Canada.

The petitioners request the House of Commons to direct the Government of Canada to allow self-employed fishers to use 2008 earnings to determine their 2009 eligibility and benefit rate for fishing employment insurance.

• (1015)

[Translation]

CANADA POST CORPORATION

**Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ):** Mr. Speaker, I would like to present a petition from the municipalities of Saint-Robert, Sainte-Victoire-de-Sorel, Saint-Célestin, Manseau, Lemieux, Saint-Sylvestre and Fortierville. The petitioners are concerned about Canada Post. They want the government to maintain the moratorium on post office closures, and they want the Canada Post Corporation to maintain, expand and improve its postal services.

Mr. Speaker, I would like to take this opportunity to wish you, all members of the House and the people of my riding a happy holiday season.

[English]

SALMON FISHERY

**Ms. Denise Savoie (Victoria, NDP):** Mr. Speaker, I am pleased to present two petitions from Victoria residents and other Canadians who live on the west coast. The first petition stems from the concern of Canadians with the loss of six million sockeye. This is the lowest return in 50 years.

The petitioners were pleased to hear the government's announcement of an independent judicial inquiry. However, I think it is worth noting that they specify that this inquiry should explore all the facts, consult with scientists and stakeholders to determine what went wrong with this year's sockeye run, and present a public report, with biding solutions, within six months.

COSMETIC PESTICIDES

**Ms. Denise Savoie (Victoria, NDP):** Mr. Speaker, the second petition is from residents who urge the federal government to exercise our collective prerogative to protect the health of our citizens by applying the precautionary principle to the use of cosmetic pesticides.

The petitioners are asking that the federal government enact a moratorium on these non-essential pesticides until such time as they are conclusively proven to be safe, not just in the short-term, but in the long-term, as well.

RIGHTS OF THE UNBORN

**Mr. Ed Komarnicki (Souris—Moose Mountain, CPC):** Mr. Speaker, I have a petition where the petitioners are calling upon Parliament to enact legislation that would recognize unborn children as separate victims when they are injured or killed during the commission of an offence against their mothers, allowing two charges to be laid against the offender instead of just one.

The petitioners draw to the attention of this House that under the current federal law an unborn child is not recognized as a victim with respect to violent crimes. They draw attention to the House that 72%, the vast majority, according to an Environics poll of October 2007, support laws that protect unborn children from acts of violence against their mothers and also injure or kill the child in their womb. In the current federal criminal law, an unborn child is not recognized as a victim with respect to violent crimes. The petitioners wish legislation to be passed.

Routine Proceedings

CHILD PORNOGRAPHY

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I have two petitions. The first one is on a very important issue, I know to this House, on child pornography and victimizations.

These petitioners, from my riding of Mississauga South, want to draw to the attention of the House that the creation, use and circulation of child pornography is condemned by a clear majority of Canadians, that the CRTC and Internet service providers have a responsibility for the content that is being transmitted to Canadians, and that anyone who uses the Internet facilities to facilitate any sex offences involving children is committing a federal offence.

These petitioners, therefore, call upon the Parliament of Canada to protect our children by taking all necessary steps to stop the Internet as a medium for the distribution of child victimization pornography.

ANIMAL WELFARE

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, briefly, the second petition is one that the House embraced earlier, concerning support for the Universal Declaration of Animal Welfare. These petitioners, from my riding of Mississauga South, simply want to add their names to the names of members and Canadians who have already indicated that they want the Government of Canada to support the Universal Declaration on Animal Welfare.

[Translation]

CANADA POST CORPORATION

**Ms. Meili Faille (Vaudreuil-Soulanges, BQ):** Mr. Speaker, today I am presenting a petition from the citizens of Vaudreuil-Soulanges, who are concerned about the future of their post office. They would like the government to extend its moratorium on maintaining post office services, which play an important role in the social and economic life of the riding. They believe that post offices in general make an economic contribution to communities. The petitioners also want us to oppose the government's bill to legalize remailers.

• (1020)

MINING COMPANIES

**Ms. Meili Faille (Vaudreuil-Soulanges, BQ):** Mr. Speaker, today I am also presenting two petitions in support of the Bloc Québécois' Bill C-438. The purpose of the bill is to follow up on national round tables concerning the social responsibility of mining companies. I am presenting two petitions on the subject.

[English]

DRUGS AND PHARMACEUTICALS

**Ms. Judy Wasylycia-Leis (Winnipeg North, NDP):** Mr. Speaker, I have three petitions. The first petition has to do with concerns from constituents and others about the 14,000 men, women and children who die every day from tuberculosis, malaria and HIV/AIDS.

The petitioners call upon this House to support Bill C-393, my private member's bill. They are pleased that it received support at second reading, and call upon this House to complete the process and ensure that it becomes law.

*Routine Proceedings*

## ANIMAL WELFARE

**Ms. Judy Wasylycia-Leis (Winnipeg North, NDP):** Mr. Speaker, the second petition is from constituents who are concerned about both animal cruelty and animal suffering. The petitioners call upon the government to support the Universal Declaration on Animal Welfare.

## AVIATION SAFETY

**Ms. Judy Wasylycia-Leis (Winnipeg North, NDP):** Mr. Speaker, finally, I am also pleased to present a petition from people who are concerned about safety in the air and about the fact that the responsibilities delegated to aviation companies by the safety management system is a problem.

The petitioners call upon the government to initiate a commission of inquiry, headed by a superior court judge, to conduct a judicial review into Canada's state of national aviation safety and government oversight of the aviation industry, to be followed by further reviews, at defined intervals.

## BULLYING

**Mr. Leon Benoit (Vegreville—Wainwright, CPC):** Mr. Speaker, I am honoured to present a petition on behalf of constituents who call on Parliament to consider putting forth legislation to deal with the problem of bullying. They have noticed that bullying is an increasing problem which, due to technology such as the Internet and email, has become a problem 24 hours a day, seven days a week.

## INTERNATIONAL AID

**Ms. Joyce Murray (Vancouver Quadra, Lib.):** Mr. Speaker, I am pleased to rise in the House today to present a petition that calls on Parliament to set a timetable to meet Canada's development assistance commitments, to increase Canada's foreign aid commitments to combat HIV-AIDS, tuberculosis and malaria, and to make the legislative changes necessary for Canada's access to medicines regime to facilitate immediate and sustainable lower cost generic medicines flowing to developing countries. They call on the government to support Bill C-393.

The petition is signed by residents of Vancouver Quadra. It stems from the heroic efforts of the African grandmothers who raise children orphaned by AIDS. They are supported by the efforts of over 200 grandmother groups across Canada.

[Translation]

## CANADA POST CORPORATION

**Mr. Roger Pomerleau (Drummond, BQ):** Mr. Speaker, after the Saint-Charles-de-Drummond postal outlet was closed without warning, over 400 local citizens signed the following petition asking the government and the Canada Post Corporation to "reconsider the decision to close the postal outlet located at 695 Saint-Charles Boulevard in Drummondville on September 25, 2009; maintain a postal outlet at that location until the end of the contract in October 2010; and immediately issue a call for tenders to find a new partner."

[English]

## AIR PASSENGERS' BILL OF RIGHTS

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, my petition is a call to adopt Canada's first air passengers' bill of rights. The petitioners support Bill C-310, which includes compen-

sation for overbooked flights, cancelled flights and unreasonable tarmac delays.

The legislation is inspired by European Union law. In fact, Air Canada is already operating under European laws for its flights to Europe, so why should an Air Canada customer receive better treatment in Europe than in Canada?

The bill would ensure that passengers are kept informed of flight changes, whether they are delays or cancellations. The new rules would be posted in airports and airlines would have to inform passengers of their rights and the process to file for compensation. The bill deals with late and misplaced baggage and all-inclusive pricing by air companies to be included in their advertisements.

Bill C-310 is not meant to punish the airlines. If they follow the rules, they will not have to pay a dime in compensation to passengers. The petitioners call on the Government of Canada to support Bill C-310 that would introduce Canada's first air passengers' bill of rights.

• (1025)

## FIREARMS REGISTRY

**Mr. Mark Warawa (Langley, CPC):** Mr. Speaker, I am honoured to present three petitions this morning.

The first is with regard to the long gun registry. It says that the long gun registry was originally budgeted to cost Canadians \$2 million, but the price tag spiralled out of control to an estimated \$2 billion a decade later. The petition states that the registry has not saved one single life since it was introduced.

The petition calls upon the House of Commons to support legislation that would cancel the Canadian long gun registry and to streamline the Firearms Act.

## EMPLOYMENT INSURANCE

**Mr. Mark Warawa (Langley, CPC):** Mr. Speaker, the second petition is with regard to medical benefits. It says that a parent's or child's caregiver does not qualify for long-term EI medical benefits if the illness is not necessarily permanent or life threatening. Many times it causes a problem for caregivers because they are not able to support their mortgage obligations.

The petitioners are calling upon the House of Commons to enact legislation and provide additional medical EI benefits at least equal to maternity EI benefits.

## RIGHTS OF THE UNBORN

**Mr. Mark Warawa (Langley, CPC):** Mr. Speaker, my last petition says that Canada is country that respects human life, including in the Canadian Charter of Rights and Freedoms which states that everyone has the right to life, but Canada has not had law to protect the lives of unborn children since 1988. The petitioners are calling upon Parliament to pass legislation for the protection of human life from the time of conception until natural death.

[Translation]

## CANADA POST CORPORATION

**Mr. Yves Lessard (Chambly—Borduas, BQ):** Mr. Speaker, I have the honour to present a petition with 1,572 signatures from the town of Saint-Basile-le-Grand, calling for rural postal service to be maintained. The petitioners are calling on the government to authorize Canada Post not only to maintain the moratorium, but also to improve and enhance services.

I would also like to take this opportunity to wish the people of Chambly—Borduas and all my colleagues here in the House happy holidays and a happy new year.

[English]

**The Speaker:** The time for presenting petitions has expired. Is there agreement to continue with this?

**Some hon. members:** Agreed.

**Some hon. members:** No.

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## QUESTIONS ON THE ORDER PAPER

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, the following question will be answered today: Question No. 559.

[Text]

Question No. 559—**Hon. Hedy Fry:**

With regard to the disappearance of nine million sockeye salmon in British Columbia this year: (a) has the government taken into account the warning by the West Coast Regional Department before cutting the funding for the stock assessments by 50 percent over the last few years; and (b) does the government have plans to immediately strike an independent blue-ribbon scientific panel with a short mandate and, if so, speedily commit to implementing the panel's recommendations?

**Hon. Gail Shea (Minister of Fisheries and Oceans, CPC):** Mr. Speaker, in response to (a), there has been no change in the level of funding for salmon stock assessments since 2002. Funding for salmon research and monitoring has been stable at about \$16.6 million annually and this fiscal year is actually slightly above average at \$17 million.

DFO science is evaluating a wide range of potential contributing factors to the low returns, and will then consider what further scientific work should be undertaken with regard to forecasting, marine survival, and the health of the oceans.

In response to (b), the Government of Canada wishes to take all feasible steps to identify the reasons for the low returns and the long term prospects for Fraser River sockeye salmon stocks. On November 5, 2009, the Prime Minister announced a judicial inquiry

## Routine Proceedings

to investigate and report on the reasons for the decline of sockeye salmon in the Fraser River. The final report of the inquiry is due by May 1, 2011. Fisheries and Oceans Canada looks forward to this inquiry and we look forward to co-operating fully.

\* \* \*

[English]

## QUESTIONS PASSED AS ORDERS FOR RETURN

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, if a revised response to Question No. 481, originally tabled on December 7, 2009, and the responses to Questions Nos. 560, 561, 562, 564, 565 and 566 could be made orders for returns, these returns would be tabled immediately.

**Mr. Speaker:** Is that agreed?

**Some hon. members:** Agreed.

[Text]

Question No. 481—**Ms. Yasmin Ratansi:**

With respect to ministers' office expenses within the National Capital Region: (a) what has been the total amount spent on taxis for each fiscal year from 2005-2006 up to and including the current fiscal year for each minister's office; (b) how many employees at each minister's office have access to taxi vouchers; and (c) what is the overtime cost for each minister's driver for each fiscal year from 2005-2006 up to and including the current fiscal year?

(Return tabled)

Question No. 560—**Hon. Hedy Fry:**

With regard to the proposed changes to Employment Insurance premiums, what is the full breakdown in cost to businesses, including small and medium enterprises, in British Columbia, for both employers and employees as a result of the new Employment Insurance premiums, broken down into cost to employees alone on a wage sliding scale, as well as the cost to employers alone?

(Return tabled)

Question No. 561—**Hon. Hedy Fry:**

With regard to promises made in Budgets 2006 and 2007 concerning the mountain pine beetle infestation in British Columbia, after consultations between the government and communities affected by the mountain pine beetle, what is the detailed account of how much of the \$200 million promised in Budget 2006, and the added \$200 million in Budget 2007 has been disbursed, broken down by (i) department, (ii) community, including aboriginal groups?

(Return tabled)

Question No. 562—**Hon. Hedy Fry:**

In detail, what are the transportation and hospitality expenses for the Chief Government Whip and Minister of State, the honourable Gordon O'Connor, and his entire exempt staff for the past 18 months, including a detailed account of the locations where Mr. O'Connor was picked up and dropped off by the driver?

(Return tabled)

### Points of Order

#### Question No. 564—Mr. Mark Holland:

With regard to Correctional Services Canada (CSC): (a) what cost has been associated with the implementation of bills C-2, (passed in 39th Parliament, second Session), C-14, C-15, C-36, C-25, C-42, C-43, C-52 and C-53 (from the current session); (b) what is the inflow of inmates anticipated, broken down annually, over the next 15 years; (c) what are the budgeted annual costs for CSC, broken down by subject, over the next 15 years; (d) are there any additional costs anticipated in the next 15 years that CSC has not accounted for in their annual budget projections and, if so, what are they and how much will they cost; (e) what plans does CSC have to alter existing facilities to meet the needs of inmates and staff over the next 15 years, what is the timeline and what costs are associated with these projects; (f) are there any plans within the next 15 year to close down any of existing federal institutions; (g) what plans does CSC have regarding building new super prisons (multi-level facilities), and what is the timeline and anticipated cost; (h) what plans does CSC have to convert existing facilities into super prisons, what is the timeline and anticipated cost; (i) does CSC plan to enter into agreement with the province of Newfoundland and Labrador to build a joint provincial—federal correctional institution and, if so, what is the timeline and how much will the federal government contribute and, if not, on what grounds is the government making such a decision; (j) what is the annual breakdown over the past 15 years of CSC staff, by professional category and cost; (k) what is the projected annual breakdown for CSC staff over the next 15 years, including new hiring, broken down annually, by professional category and cost; (l) what is the annual breakdown of federal inmates over the past 15 years, including federal inmates housed in provincial and territorial institutions, broken down by sex, institution, and security level (super max, max, medium, minimum); (m) what is the projected annual breakdown of federal inmates over the next 15 years, including federal inmates housed in provincial and territorial institutions, broken down by sex, security level and institution; (n) what are the annual costs per federal inmate in the past 15 years, broken down by sex, security level, and institution; and (o) what are the anticipated annual costs per federal inmate over the next 15 years, broken down by sex, security level, and institution?

(Return tabled)

#### Question No. 565—Mr. Mark Holland:

With regard to Correctional Services Canada's (CSC) prison farm program: (a) what is the plan for the prison farm lands over the next 15 years, broken down annually, and what is the anticipated cost to CSC to manage the lands, and is any profit anticipated and, if so, what is it; (b) is CSC planning on renting out these lands and, if so, what sort of process will be put into place to decide who the tenants will be, and how much is CSC anticipating it will make annually on the rental of these lands; (c) how many inmates have participated in the prison farm program over the past 15 years, broken down annually and by institution, and how many of these participants have gone on to work in agricultural or related sectors; (d) what, if any, studies, documentation or advice did CSC rely on in their decision to terminate the prison farms program, when was it received and who provided it; (e) what, if any, studies, documentation or advice did CSC receive showing the psychological, social, financial, environmental and health benefits of the prison farm program, when was it received and who provided it; and (f) what is CSC doing to replace the food that was provided through the prison farm program, and what is the annual cost to CSC of outsourcing this food, as compared to the food derived through the prison farm program over the next five years?

(Return tabled)

#### Question No. 566—Mr. Mark Holland:

With regard to GRK Fasteners: (a) on what grounds are duties, under the Special Import Measures Act (SIMA), applied; (b) on what grounds was their petition to the Canadian International Trade Tribunal (CITT) for a SIMA exempt status denied; (c) given that GRK's request for exemption is based on the fact that all of their products are patented, is the CITT no longer recognizing that patents make a product unique; (d) was the fact that there are no domestic manufacturers able to provide GRK with the type of product they require taken into account when the CITT made their decision and, if so, why is the SIMA duty still imposed on them and, if not, why not; and (e) does the Canada Border Services Agency or any other department or agency have reason to believe that GRK Fasteners has ever engaged in product dumping and, if so, what evidence do they possess and, if not, how then can an anti-dumping duty be applied to GRK?

(Return tabled)

[English]

**Mr. Tom Lukiwski:** Mr. Speaker, I ask that all remaining questions be allowed to stand.

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

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### POINTS OF ORDER

#### SUBJECT MATTER OF ALLOTTED DAY OPPOSITION MOTION

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, I rise on a point of order concerning the content of the motion to be proposed by the hon. member for Vancouver South.

Let me say at the outset that the government readily accepts that allotted day motions ought not to be interfered with by the Speaker, except on the clearest and most certain procedural grounds. We believe that such grounds for intervention exist.

Mr. Speaker, I want to draw your attention to your own ruling of March 26, 2007 at pages 1873 to 1875 of *Hansard*. On that occasion the issue was a supply day notice which, had it been in order and had been adopted, would have timetabled four bills.

The motion today, if adopted, would order the government to produce a long series of documents, and as quoted in the motion itself "in their original and uncensored form".

It is our contention that this is an improper use of a supply day motion. A number of outstanding issues surround the documents listed in the motion. There are issues of statutory secrecy, military secrecy and international agreements, all matters that this House has habitually respected when requesting papers and records.

In some cases, the custodians of these records are statutorily barred from making them public. The passage of this motion would order them to violate laws which have been enacted with the consent of the House of Commons and the Senate, the two chambers that, along with the Queen, compose Parliament. It bears repeating, the House of Commons alone is not Parliament; it is one-third of Parliament. Statutes carry the authority of the three elements.

The motion proposed by the member for Vancouver South would order people to break the law under the authority and order of only the House of Commons. Because this is an allotted day motion, it is not subject to the usual process which could include negotiation of amendments that a majority of the House might accept, notwithstanding their unacceptability to the opinion of the mover of the motion itself.

The traditional regress of grievances preceding the granting of supply never included requiring public officials to break the law, yet that is what this motion would order. Will the next allotted day motion order the release of tax information, for example, or other secret contents in government files? Where would this lead? In other words, to use the vernacular, this could be the start of a very slippery slope.



*Points of Order*

Are allotted days to become opportunities to violate the rights of Canadians through substantive motions that bypass the statute law? I suggest this was never seen as the function of allotted days, and request that the Speaker recognize that this motion exceeds the long-standing conventions surrounding supply day motions.

● (1030)

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, the government accepts that the practice and procedure before parliamentary committees is governed by parliamentary convention. However, parliamentary privilege does not relieve public servants of their obligation to protect sensitive information that relates to national security, national defence or international relations when appearing before a parliamentary committee.

Parliament has recognized the importance of protecting confidential information in statutes such as the Security of Information Act, the Canada Evidence Act, the Access to Information Act, the Privacy Act, and of course, the Criminal Code.

The principle of public interest immunity is also well established in the common law. There is an equally well established parliamentary convention that committees will respect common law privileges and Crown immunity, particularly in relation to national defence, national security or international relations, and not require the disclosure of injurious information.

While section 38 of the Canada Evidence Act may have no direct application to the committee's proceedings, the values that underline that provision are also reflected in parliamentary convention.

I refer you to the authoritative text, Maingot's *Parliamentary Privilege in Canada*, at page 163, which states:

By convention, a parliamentary committee will respect Crown privilege when invoked, at least in relation to matters of national and public security.

The documents that have been provided to the committee by the government were redacted, pursuant to section 38 of the Canada Evidence Act, for the purposes of the public interest hearing before the Military Police Complaints Commission. These redactions were necessary, given the MPCC's decision to hold public hearings into complaints it had received. This provided the MPCC with the power to compel testimony and documents, and the hearing was therefore a proceeding under section 38 of the Canada Evidence Act. Before it announced public hearings, the MPCC was investigating the detainee complaints and was given full access to thousands of pages of unredacted Canadian Forces and Department of National Defence documents.

While section 38 of the Canada Evidence Act may not apply directly to the proceedings of the committee, the values that inform this legislation passed by Parliament are consistent with the parliamentary convention that injurious information should not be disclosed in a parliamentary setting.

Accordingly, the process under section 38 of the Canada Evidence Act serves as a useful surrogate to identify information that should not be disclosed to a parliamentary committee, because its disclosure would be injurious to national security, national defence or international relations. As previously noted, this is completely consistent with parliamentary convention.

● (1035)

**Hon. Ujjal Dosanjh (Vancouver South, Lib.):** Mr. Speaker, the nub of the matter is that our view of the law and the convention is different from that of the government. For the last several months, it has been standing in the House and saying that section 38 is the reigning section, that it is the section that governs non-disclosure of documents.

Today, the government admits through its own letter from the Department of Justice that section 38 does not actually apply to parliamentary proceedings. That has been a big lie that the government has perpetrated in this chamber over the last—

**Mr. Laurie Hawn:** A lie?

**Hon. Ujjal Dosanjh:** Yes, absolutely, it has been a lie that has been perpetrated and uttered in this chamber for some time.

Mr. Speaker, I will withdraw the word if it is offensive to the government.

However, I have an opinion. In fact, there are two opinions from the law clerk that indicate that section 38 does not restrict the right of Parliament and the committee to receive documents. The committee may, by its own decisions, create a procedure whereupon if it considers any of the documents it receives as injurious to national security interests or international relations, it may not disclose those documents to third parties or may have a hearing that might be in camera. That is in fact in the opinions that I have received from the law clerk. I would be happy to pass them on, and they have been tabled in the committee.

The government is now finally realizing that section 38 does not afford it the claims that it has been making. It now rests or relies on a convention, citing an authority in saying that Parliament will at least respect the Crown's decision on non-disclosure in matters of national security.

When the government says that Parliament is two houses, that is a fiction it creates. Yes, in terms of passing legislation, Parliament is two houses. When section 38 was passed in the House, there was a definition of proceedings in that legislation that was picked up directly from the Criminal Code. It was eliminated and amended to ensure that Parliament has unfettered access to the documents it may require to do its job.

The job of Parliament is to oversee the government. Government cannot claim, whether by convention or otherwise, total immunity for whatever it desires. The nub of the question here is that we do not believe the government is blanking out or redacting documents in the interests of national security. It is doing so in the interest of covering its own butt. I think that is very important to remember.

The two opinions I have from the law clerk, which are public, and the opinion yesterday from the Department of Justice go to show that the government is on very thin ice and that its claim should not be respected.

**Ms. Judy Wasylycia-Leis (Winnipeg North, NDP):** Mr. Speaker, I would like to make a few comments, as well, questioning the wisdom of the government suggesting in any way, shape or form that this supply day motion is out of order.

*Points of Order*

Supply day motions are one of the few opportunities the opposition has to hold the government to account. It is either through question period or supply day motions. Those are the two opportunities we have to demand accountability from the government on anything to do with its budgeting process. Those provisions are sacrosanct in our rule books.

There has been, over the years, very little attempt to intervene in the choice of opposition supply day motions. So it is quite unusual for the government today to suggest that there is a problem with the wording of this motion.

Our process requires that if there is a problem with a motion, or some disagreement with the actual direction the motion is taking, then the government or anyone concerned has the opportunity to vote against the motion at the end of that day. That is democracy—not an effort to prevent the debate in the first place. That is truly unusual and unprecedented in this place.

We have rules in the House allowing members to challenge the government every step of the way, and at no point should our rules be interpreted in a way that would allow the government of the day to suppress debate. That is the antithesis of democracy, as it does not even allow the issues to get to the table.

I have listened to my colleague from the Liberal Party, whose name is on this motion. He has clearly put on record those sections of the rule book that allow for committees and the House to call whatever documents and whatever witnesses they feel are necessary for the process. That is self-explanatory.

What I wanted to do on rising on this point of order was to make the case that in the true spirit of this place, the focal point of democracy in this nation, under no circumstances should the government try to suggest in any way, shape or form that the rule books allow it to interfere with debate taking place, or to repress it in the first place.

I hope, Mr. Speaker, you will allow this day to proceed.

• (1040)

**Mr. Laurie Hawn (Parliamentary Secretary to the Minister of National Defence, CPC):** Mr. Speaker, I am obviously rising to support my colleagues on this.

The opposition has talked about opinions. Opinions are fine, but they have to be backed up by the rule of law. Canada operates on the rule of law. Parliament operates on the rule of law and precedent and convention.

On the first point about documents, the Government of Canada has in fact provided documents as quickly as possible, given the time constraints, the volume of the documents requested and the requirement under the Official Languages Act to have the documents translated into both official languages. In under one week, the committee was provided with relevant memos and details of Mr. Colvin, which were the most sought after documents by the committee. As time goes by, more and more documents will be made available.

On another point, the House of Commons has always recognized the limits of privilege relating to issues of national security and international affairs, as these are Crown or executive constitutional

responsibilities that also require a public interest test. The Government of Canada has a responsibility to protect the public interest in these cases and, historically, committees of the House of Commons have respected the public interest test.

Marleau and Montpetit assert this argument in stating:

The House of Commons recognizes that it should not require the production of documents in all cases; considerations of public policy, including national security, foreign relations, and so forth, enter into the decision as to when it is appropriate to order the production of such documents.

Similarly Beauchesne's notes that the Government of Canada, not the Speaker or the House of Commons, retains the right to define confidential documents and that it is up to the government to determine whether any letters, papers and studies are of a confidential nature when deciding how to respond to a notice of motion for the production of papers.

Generally speaking, government members also reject the notion that the House of Commons has a right to cabinet documents. This claim to cabinet documents obviously interferes with the constitutional roles of limits and legislative and cabinet or executive banks of government in our Constitution.

Mr. Speaker, in our strong view, this motion is out of order and we request your wisdom in that judgment.

**The Speaker:** The hon. member for Mount Royal is rising on the same point?

**Hon. Irwin Cotler (Mount Royal, Lib.):** Yes, Mr. Speaker, I just want to make a number of submissions in response to what my hon. colleagues have said.

First, it has been argued that the motion, in this sense, is asking that the law be broken. The motion is not asking that the law be broken. On the contrary, it is asking that the government comply with the law with respect to parliamentary privileges and the production of papers relating thereto.

Second, privileges of Parliament are supreme, overriding, and not subject to ordinary statute law, such as the Canadian Evidence Act or otherwise. The notion that parliamentary privileges are subject to or contingent upon ordinary statute law would not only diminish parliamentary privilege, but would also undermine the authority of Parliament, its representativeness and its protective framework regarding the authority of committees.

Third, the notion that there is a convention that overrides parliamentary privilege in this regard actually runs the other way. The convention is that of the supremacy of Parliament, in that the convention seeks to underpin parliamentary privilege, not diminish it.

Number four, parliamentary privilege is subject to the Constitution in the manner of the Charter of Rights and Freedoms as set forth in the House of Commons v. Vaid Supreme Court case of 2005, 1 SCR 667, but it cannot be exercised in the sense that it diminishes the rights with respect to that which is protected under the constitution.

*Points of Order*

This brings me specifically to my conclusion in the matter before us. This is not governed by the Vaid case and the charter, because this has the specific carve-out with respect to the overriding authority of parliamentary privilege. I will quote now from O'Brien and Bosc with respect to their complete discussion regarding parliamentary privilege, the authority of committees and the production of papers, exactly on point with respect to the motion before the House. I quote:

The Standing Orders state that standing committees have the power to order the production of papers and records, another privilege rooted in the Constitution that is delegated by the House.

Only if there would be an exception regarding the matter of protecting against discrimination, as the Vaid case said, would there be any issue that comes into place. It is not with regard to the production of papers, which, it is clear, is part of the absolute and authoritative power of the House.

O'Brien and Bosc continue:

Committees usually obtain such papers simply by requesting them from their authors or owners. If a request is denied, however, and the standing committee believes that specific papers are essential to its work, it can use its power to order the production of papers by passing a motion to that effect.

The Vaid case recognizes that with regard to this particular privilege.

The key is the following. As O'Brien and Bosc state:

The Standing Orders do not delimit the power to order the production of papers and records. The result is a broad, absolute power that on the surface appears to be without restriction. There is no limit on the types of papers likely to be requested; the only prerequisite is that the papers exist—in hard copy or electronic format—and that they are located in Canada.

Here, on a matter of practice also, I again quote O'Brien and Bosc:

In practice, standing committees may encounter situations where the authors of or officials responsible for papers refuse to provide them or are willing to provide them only after certain parts have been removed. Public servants and Ministers may sometimes invoke their obligations under certain legislation—

—as we hear today, or with regard to a national security carve-out—

—to justify their position.

Here O'Brien and Bosc conclude, as I do:

These types of situations have absolutely no bearing on the power of committees to order the production of papers and records.

This is clear. The language of O'Brien and Bosc is unequivocal, who go on to say:

No statute or practice diminishes the fullness of that power rooted in House privileges unless there is an explicit legal provision to that effect.... The House has never set a limit on its power to order the production of papers and records.

This is as clear as it can be from the most authoritative source on this matter.

• (1045)

[Translation]

**The Speaker:** The hon. member for Saint-Jean on the same point of order.

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, today's point of order does not surprise me in the least, because the government has always taken refuge in non-transparency, non-disclosure, censorship and so on.

Regarding the opposition motion that is being introduced today, the parliamentary secretary referred to cabinet documents. That is not what we are asking for. These documents have already been tabled before various commissions of inquiry. What he is saying is a bit over the top.

I have also taken a close look at the study by Parliament's legislative counsel. His theory is based in part on the philosophy of the British parliamentary system. The legislative counsel says that the members of the House of Commons or its committees are, of necessity, the grand inquest. It is our responsibility to get to the bottom of things and obtain all the documents we need to prove a point. I very much like the idea that the House of Commons is the grand inquest.

For their part, the government members, including the parliamentary secretary who is speaking here today, are the protectors of the realm, so to speak. They want to protect the realm.

I saw this debate coming. The Special Committee on the Canadian Mission in Afghanistan had this discussion with General Watkin, who is the government's Judge Advocate General or JAG. The general said that he could not disclose certain confidential information because of his privileged relationship with his client, the government. According to him, the laws of Parliament do not apply. That is what is at the heart of the debate.

I even asked the general to consult his client, the Government of Canada, and to come back to the committee to tell us which had precedence: Parliament or a law such as the Canada Evidence Act, which states in section 38 that the government has a right to censor information.

I feel that the government is going much too far in its desire to protect the realm. As for us, we all have full authority to act as the grand inquest on behalf of the people who elected us. That is the first thing.

I also told the general, the JAG, that when a law applies to parliamentarians, only the House can decide how that law will be applied. That covers a lot. It means we have complete flexibility.

We have already partially addressed this issue in the House, and I am pleased we are addressing it directly here today. How are we supposed to act as the grand inquest, defend democracy and enjoy parliamentary immunity if we are not given the tools we need?

The government is going as far as intimidating witnesses and telling them they cannot speak out. It is doing a good job protecting its realm, but this goes against our role as the grand inquest. As representatives of our constituents, it is our responsibility to get to the bottom of things. When the government tries to restrict our parliamentary rights through censorship or by denying us access to certain documents, it is depriving us of our right to carry out inquiries.

If parliamentary immunity is also interfered with, for members as well as witnesses, the government is undermining our basic right as the grand inquest and defenders of democracy. We have the right to ensure that what is happening is just as we think it should be.

*Points of Order*

People may say that we will never obtain the absolute truth, and I would agree with them. However, we have a basic right, for we have all been legitimately elected to represent our constituents, who expect us to be diligent and to get to the bottom of things, as set out in the text before us here today.

So through its commissions, this government was able to restrict, suppress and undermine our right of access to certain documents. The Special Committee on the Canadian Mission in Afghanistan was forced to take over, since we know something is wrong here. The protector of the realm is not always in the right.

As the grand inquest, we are determined to get to the bottom of things.

• (1050)

The legislative counsel even raised the issue of legislation that could allow ministers and the government to withhold information from Parliament. What is at stake here today? We are talking about censorship, undisclosed documents, banned documents, and stalling tactics like the ones the government is using today to try to push back the schedule. The goal is to get to the end of the parliamentary session and bury the whole affair for a month and a half.

The legislative counsel said that, "If a law allows ministers or the government to conceal information from Parliament, that will mean that the government may invoke the law and avoid its obligation to account to the House", which would be unconstitutional. I want to emphasize that. There is something unconstitutional in what the government is trying to do today, namely to close the investigation by the Military Police Complaints Commission, and by the Special Committee on the Canadian Mission in Afghanistan. That, too, is a constitutional matter.

I look forward to your ruling because it will be based on the very heart and foundation of democracy. Perhaps your ruling, through case law, will untie the hands of the members. As members of Parliament, we cannot allow our rights to be restricted, the immunity of our witnesses to be infringed on, or documents to be censored. We do not have the same tools. We find ourselves in committee facing witnesses who have had full access to the documents and we, as the grand inquest, are not entitled to see these documents in the same format as those who testify before us. This infringes on our rights.

The government is not being transparent on this issue. It is isolating itself. It is using strategies that absolutely must be denounced. And you have that great responsibility. You must rule in favour of the members of the grand inquest who are here to represent their electors on this.

I am counting on you and I hope you will make the right decision. Nonetheless, I can say one thing: even if the government tries to censor us, silence us and gag us and take immunity away from our witnesses, the opposition is determined to get to the bottom of this.

• (1055)

[English]

**Mr. Tony Martin (Sault Ste. Marie, NDP):** Mr. Speaker, in the interest of the discussion this morning and with all due respect, I want to remind the Speaker of a passage in the recent O'Brien and Bosc publication that suggests Standing Orders give members a very wide scope in proposing opposition motions on supply days. Unless

the motion is undoubtedly irregular, and that is where the procedural aspect is not open to reasonable argument, the Speaker does not intervene. We suggest this is such a time.

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, let us cut to the chase. The issue is the attachment of a substantive motion, and that is an order for the production of papers, to an allotted day motion under the business of supply. You know, as I and every other member in this place knows, that we cannot write legislation on an allotted day. Nor should we bypass the normal processes for the production of papers.

**The Speaker:** I have carefully considered all the arguments that have been advanced. First, I should cite to hon. members the citations that have been read by the hon. member for Mount Royal in his argument, largely.

On page 978-979 of O'Brien and Bosc, I will quote again:

The Standing Orders do not delimit the power to order the production of papers and records. The result is a broad, absolute power that on the surface appears to be without restriction. There is no limit on the type of papers likely to be requested; the only prerequisite is that the papers exist—in hard copy or electronic format—and that they are located in Canada....No statute or practice diminishes the fullness of that power rooted in the House privileges unless there is an explicit legal provision to that effect, or unless the House adopts a specific resolution limiting the power. The House has never set a limit on its power to order the production of papers and records.

I go back also to page 136 of O'Brien and Bosc, to further this:

By virtue of the Preamble in section 18 of the *Constitution Act, 1867*, Parliament has the ability to institute its own inquiries, to require the attendance of witnesses and to order the production of documents, rights which are fundamental to its proper functioning. These rights are as old as Parliament itself. *Mainiot* states:

*The only limitations, which could only be self-imposed, would be that any inquiry should relate to a subject within the legislative competence of Parliament, particularly where witnesses and documents are required and the penal jurisdiction of Parliament is contemplated. This dovetails with the right of each House of Parliament to summon and compel the attendance of all persons within the limits of their jurisdiction.*

Therefore, in the circumstances and on the face of it, a motion to demand the production of papers is entirely in order. The question is whether it can be done on a supply day, as suggested by the parliamentary secretary in his submission.

The Chair has intervened once on a supply day, to prevent the supply day from being used as a vehicle for restricting debate on a bill, because it was something that was allowed for in other parts of the Standing Orders and so on, and then fitted in there. However, I believe this motion, which is demanding that documents be tabled in the House, is something that could reasonably be requested on a supply day.

It is not a procedural motion in that sense. It is demanding the production of documents. Supply motions have called on the government to do things. They have expressed House opinions on various things in the past and in my view, this one fits within that. Accordingly, in accordance with our practice in respect to supply days, I feel the motion is in order and will allow it to proceed.

It is unfortunate, if I may make this comment, that arrangements were not made in committee to settle this matter there, where these requests were made and where there might have been some agreement on which documents and which format would be tabled or made available to members. How they were to be produced or however it was to be done, I do not know, but obviously that has not happened.

We now have this motion here, and it seems to me the House has the power to do what a committee can do and then some. A committee could have requested this and demanded the production of these materials. The House can also do whatever a committee can do and then some. Accordingly I feel the motion is in order and I will allow the matter to proceed.

\* \* \*

● (1100)

## FAIRNESS FOR THE SELF-EMPLOYED ACT

### NOTICE OF CLOSURE

**Hon. Jay Hill (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, with respect to the consideration of the third reading stage of Bill C-56, An Act to amend the Employment Insurance Act and to make consequential amendments to other Acts, I wish to give notice that at a next sitting a minister of the Crown shall move, pursuant to Standing Order 57, that debate be not further adjourned.

## GOVERNMENT ORDERS

[English]

### BUSINESS OF SUPPLY

#### OPPOSITION MOTION—DOCUMENTS REGARDING AFGHAN DETAINEES

**Hon. Ujjal Dosanjh (Vancouver South, Lib.)** moved:

That, given the undisputed privileges of Parliament under Canada's constitution, including the absolute power to require the government to produce uncensored documents when requested, and given the reality that the government has violated the rights of Parliament by invoking the Canada Evidence Act to censor documents before producing them, the House urgently requires access to the following documents in their original and uncensored form:

all documents referred to in the affidavit of Richard Colvin, dated October 5, 2009;

all documents within the Department of Foreign Affairs written in response to the documents referred to in the affidavit of Richard Colvin, dated October 5, 2009;

all memoranda for information or memoranda for decision sent to the Minister of Foreign Affairs concerning detainees from December 18, 2005 to the present;

all documents produced pursuant to all orders of the Federal Court in *Amnesty International Canada and British Columbia Civil Liberties Association v. Chief of the Defence Staff for the Canadian Forces, Minister of National Defence and Attorney General of Canada*

all documents produced to the Military Police Complaints Commission in the Afghanistan Public Interest Hearings;

### Business of Supply

all annual human rights reports by the Department of Foreign Affairs on Afghanistan; and

accordingly the House hereby orders that these documents be produced in their original and uncensored form forthwith.

**The Speaker:** Since today is the final allotted day for the supply period ending December 10, 2009, the House will go through the usual procedures to consider and dispose of the supply bill.

In view of recent practices, do hon. members agree that the bill be distributed now?

**Some hon. members:** Agreed.

**Hon. Ujjal Dosanjh:** Mr. Speaker, I will split my time with the member for Etobicoke—Lakeshore. What transpired before you had to make the decision to proceed with this motion goes to show the need for this motion to come before the House.

We reached the point where we had to bring this motion, for one simple reason. The government, the Prime Minister and the ministers simply do not have any moral credibility on this issue anymore. From the outset of this issue they have demanded that we take them at their word, but their word has no value anymore.

From the outset of this issue they have insisted there was no compelling evidence of detainee abuse or torture, but day after day and week after week the facts have continued to come out and the facts have said otherwise. From the outset of this issue they have attacked the patriotism and integrity of those who have demanded answers, accusing them of aiding and abetting the Taliban enemy. However, it is now their patriotism and integrity that looks shabby and shallow.

From the outset of this issue they have hidden very strong words, like “cowards”, behind the heroism and bravery of the soldiers on the ground. But now we know they have covered the facts on the ground in Afghanistan and they have launched an unprecedented smear campaign against the one person, Richard Colvin, whose evidence they could not silence.

We have asked for facts and received cynical spin. We have asked for accountability and received only evasion. We have asked for the truth and received everything but. All of this is because the Prime Minister and the minister have treated this from the outset as a partisan issue and not a moral issue, as a search for an alibi and not a search for truth.

The Prime Minister seems more concerned about his own reputation than he is about Canada's. The minister seems more concerned about keeping his ministerial limousine than about doing the right thing. It was sad to watch his performance in the committee yesterday. He spoke with mock indignation about outrageous and insulting allegations, conveniently forgetting the outrageous and insulting allegations he so cavalierly made against Mr. Colvin, a dedicated public servant who was powerless to defend himself.

He spoke with mock sadness about how we were denigrating the fine work of our soldiers on the ground in Afghanistan. It was an extraordinary position to take on the very day it was revealed that the government had somehow for two years overlooked the evidence of abuse provided by soldiers in Afghanistan who were acting in the finest Canadian tradition.

*Business of Supply*

It has become all too clear that the government is simply unwilling to tell the truth. It has poisoned its own credibility. By their bare-knuckle, ultra-partisan approach to this most serious of issues, it has poisoned the well of trust in the House and in the committee. That is why we need access to all the documents related to these issues: non-redacted, unfiltered, unspun, and uncensored documents.

The minister appeared before the committee yesterday and said there are three investigations underway and that they should be sufficient to deal with this. First, he referred to the board of inquiry to investigate the treatment of individuals detained by Canadian troops in April 2006. That deals with the conduct of our soldiers on the ground. That is not the object of our inquiry in the committee.

Second, he referred to the Military Police Complaints Commission, which has been thwarted by a massive campaign of obstruction of justice from actually looking into this matter. Third, he referred to the committee on which I sit: the special committee on Afghanistan. That committee has been thwarted in its work by the government not producing uncensored documents in their entirety for the committee to see.

That is obviously why we need the documents. That is why it is urgent that this motion pass. It is not whether or not there was torture. There is an abundance of circumstantial evidence and real evidence of detainee torture in Afghan jails at the hands of the Afghan authorities.

Whether it is Human Rights Watch, the Afghanistan Independent Human Rights Commission, the UN reports, the U.S. Department of State, or our own annual human rights reports from Afghanistan, all of them go to show that abundant circumstantial evidence existed about torture in Afghanistan. The lack of any specific knowledge of any specific incident is not a defence to the continuing ignorant or wilful blindness of the government.

• (1105)

I want to quote Mr. Justice O'Connor in his report of September 2006. He said:

Canadian officials should not wait for "verification" or unequivocal evidence of torture in a specific case before arriving at a conclusion of a likelihood of torture.

That is a statement from Mr. Justice O'Connor, who headed the Arar inquiry. That should guide us. That is in keeping with the Geneva Convention, which essentially says that if we have circumstantial evidence, whether or not we have knowledge we have the responsibility to investigate and be careful we do not send people to a risk of torture where there are substantial grounds for the risk of torture.

We now know the government, from early 2006 to sometime in 2007, continued to send prisoners to a risk of torture. That is what we need to investigate. Why did it continue? Why did the government not take any action?

This is not about the conduct of our military on the ground. They have acted in the finest of traditions, as we learned from General Natynczyk yesterday. They have always done the right thing.

Ultimately there is a civil responsibility for all the actions that happened in Afghanistan, and that responsibility rests with the Prime Minister and the Minister of National Defence. That is why we need

the unfettered, uncensored, unspun, unfiltered documents, to look at their conduct and whether or not they acted appropriately.

We heard the arguments advanced by the government to have this particular motion ruled out of order. The Conservatives have relied on section 38 of the Canada Evidence Act. They have relied on their excuses that they will give whatever is legally available to Parliament.

Now we know that Parliament has the unfettered, absolute right to order the production of papers and persons in this country. To my knowledge this Parliament has never fettered and never limited its own jurisdiction. The committee stands in the place of Parliament, and the committee has that unfettered access to these documents.

That is why I was very cautious in asking the Law Clerk for an opinion on the application of section 38. He sent me an opinion on October 23, 2009, which was tabled at the committee, that said we have unfettered access to documents and to witnesses who come before us and that those witnesses would be extended the privilege and immunity from prosecution if they were deemed to have violated any laws.

Then, based on some opinion it may have from the Department of Justice, the government said the Law Clerk's opinion is wrong. I asked the Law Clerk to provide me with a further opinion. He provided me with a further opinion on December 7, 2009, which has also been given to the clerk of the committee. It is public.

Then, on December 9, we received a letter from the assistant deputy minister, public law sector, of the Department of Justice, where it is finally admitted that the minister and the Prime Minister standing in the House and in the committee have been misleading Canadians; they have been misleading this House. The letter admits that while section 38 of the Canada Evidence Act has no application to parliamentary procedure, suddenly we learn the truth from a deputy minister within the Department of Justice.

Therefore, their whole charade, their house of cards came tumbling down.

Mr. Speaker, I wish to thank you very much for allowing this to proceed. I believe my time is ended. I will be happy to answer questions.

• (1110)

**Hon. Jim Abbott (Parliamentary Secretary to the Minister of International Cooperation, CPC):** Mr. Speaker, I must say that it is with a sense of deep regret that this motion has come before this chamber in the form that it is in.

It is with regret because in an attempt by the opposition to embarrass the government, it is effectively putting at risk the lives of our soldiers and the future of our ability as a nation to be able to deal with international agencies like the Red Cross and other sources of information and intelligence that is so absolutely vital for our nation to be a player in the world. Not only a player in the world but if this information were to come in an unredacted, uncensored form, it would shutdown Canada's ability to be a citizen in the world and deal with other nations.

I find this motion to be absolutely reprehensible.

*Business of Supply*

● (1115)

**Hon. Ujjal Dosanjh:** Mr. Speaker, if there is any embarrassment, it has been created by the government itself. The fact is that the government should concede that members of Parliament, some of whom are Privy Councillors themselves, may be as responsible as the government itself in protecting national security when they deal with the documents once disclosed. Why do Conservatives doubt the integrity of the members of the committee, that somehow the members of the committee pose a national security risk that if given the documents, somehow they will reveal secrets to the entire world?

I believe there is as much wisdom on the committee as there might be on the front benches of the government. I believe that we should have access to those documents and the committee will set its own procedure to ensure that we do the right thing by Canada, that we do the right thing by Canadian troops, and that we actually stand up for transparency and accountability to ensure the government is finally accountable for its actions or omissions.

**Mr. Jack Harris (St. John's East, NDP):** Mr. Speaker, I certainly support the idea that we need to have these documents brought forward and that the rights and supremacy of Parliament must be upheld.

In listening to the hon. member speak, it is clear he does not want them to be tabled on the floor of the House, yet it appears this is what the motion suggests. I wonder if he would be willing at a later point to consider clarifying that because as he suggests and as the parliamentary counsel has suggested, the committee itself can find ways to ensure that national secrecy, if necessary, is protected. As the motion reads now, it seems to suggest that there is a call for the tabling of all these documents on the floor of the House. That seems to me potentially problematic. I hear what some members opposite are saying in terms of there may be secrets that need to be kept.

**Hon. Ujjal Dosanjh:** Mr. Speaker, I understand, as the member just said, that the House can do whatever the committee can do and then some. So the House can actually protect those secrets as well as the committee can in the way it transmits those documents to the committee.

**Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC):** Mr. Speaker, together with my colleagues on the defence committee, we have special concerns about the confidentiality of what is in these papers. During an in camera meeting of the national defence committee the mover of this motion twittered what was being discussed to the universe. We have great reservations about the ability of the mover or colleagues to keep what is confidential for the security of Canada.

**Hon. Ujjal Dosanjh:** Mr. Speaker, these are the people who handed everything to Christie Blatchford.

**Mr. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, I would be grateful if you would let me know as my time draws to a close since I have an amendment to introduce. I want to thank the member for Vancouver South for his great work on this issue.

[Translation]

Recent events have confirmed that Canadians can be proud of the men and women serving in Afghanistan. It is not their actions that are being questioned, but those of the government.

Yesterday, General Natynczyk confirmed that a detainee transferred by the Canadian Forces was mistreated while in Afghan detention in June 2006.

● (1120)

[English]

The credibility of the Minister of National Defence is in tatters. Canadians cannot take him at his word. This Parliament cannot trust what he says. The issue here is trust.

General Natynczyk is making every effort to get at the truth, but the government is making no such effort. It continues to withhold certain documents and censor others. It has redacted with what can only be called Soviet zeal. It has intimidated witnesses and public servants. It has cast a chill over Canada's foreign service, as a growing number of former ambassadors have said publicly.

We must have the truth, uncensored and unredacted. That is the privilege of Parliament and the right of the Canadian people. That is the reason for today's motion. The government must account for an entire year of wilful blindness.

[Translation]

The Conservatives had credible information, even photographs, about torture and abuse, but did nothing to put an end to it. Instead they sought to cover up the facts. The issue here is the negligence of the Conservative government, not the behaviour of our soldiers. The questions raised will not be answered by the investigation announced yesterday by General Natynczuk.

[English]

We need a full independent public inquiry into the government's year of wilful blindness. This is not a partisan exercise because we are prepared on this side of the House for the inquiry to examine the whole length of the mission in Afghanistan beginning in 2001 under the previous Liberal government.

Let us remember how we got here. The sequence of events is extremely important.

On December 18, 2005, during a federal election, General Rick Hillier, then CDS, signed a detainee transfer agreement with the Afghan government.

The ministers opposite were sworn in on February 6, 2006, and the defence minister has admitted that he heard serious allegations of detainee abuse from the moment the government took office.

[Translation]

In March 2006, the U.S. State Department reported that Afghan authorities, and I quote: "tortured and abused detainees on a regular basis." However, despite this information, the Conservative government carried on as usual. And a few weeks later, in spring 2006, the first detainees were transferred by the Canadian Forces.

[English]

In May 2006 Richard Colvin began sending reports of detainee abuse to his superiors.

*Business of Supply*

On June 2, 2006, the Afghan independent human rights commission reported that a third of detainees handed over by Canadian Forces were abused or tortured in Afghan custody. On that same day Richard Colvin sent another memo with reports of torture in Afghan jails. Still the government did nothing.

Mr. Colvin sent three more reports before the end of 2006. He made additional reports in March, April, June and July 2007. Yet, 17 months, 17 memos, and still the government did nothing.

[Translation]

In 2006, the Canadian Embassy in Kabul had a report on human rights stating that torture was systematic in Afghan prisons. Once again, the government did nothing.

[English]

It was during the summer of 2006 that the detainee abuse confirmed yesterday by General Natynczyk took place. It was documented and reported by soldiers in the field who did their job. Still the government did not do its job.

In November 2006 the Department of Foreign Affairs actually issued talking points playing down reports of torture. Secret memos leaked to the press confirmed that the government's priority was spinning the issue rather than preventing torture from occurring.

[Translation]

In February 2007, there were three additional allegations of detainee abuse. That same month, the military police complaints commission initiated an investigation that was blocked by the government.

• (1125)

[English]

The government's year of wilful blindness only ended when graphic reports of abuse surfaced in the Canadian press on April 23, 2007.

[Translation]

It was not until May 3, 2007, that the government signed a new detainee transfer agreement. However, that did not put an end to the problems.

Mr. Colvin testified that inspections were infrequent because of a lack of resources. Even worse, he was instructed by his superiors to keep quiet and to stop documenting cases of detainee abuse and torture. Detainee transfers were suspended for the first time on November 6, 2007, because of reports of torture. They have been suspended a number of times since then.

Nevertheless, until yesterday, this minister and this government claimed that no detainee transferred by the Canadian military had been abused in Afghan prisons. We now know this is not true.

[English]

The record that I have just taken us through speaks for itself. For over a year the government had credible reports from multiple sources, independent credible Canadian sources, that Afghan detainees were being tortured in Afghan detention centres. These reports came from Canadian diplomats and soldiers in the field, and the government opposite did nothing.

It must account for that year of what can only be called wilful blindness. Its refusal to get to the truth is costing us our credibility as a nation on human rights and engages in a threat to the honour of Canada in the field, that honour which our troops so bravely defend every day. We need the truth. We need it now. Canadians deserve better.

Therefore, I would like to move the following amendment. I move:

That the motion be amended by adding immediately before the word "accordingly", the following:

"All documents referred to by the Chief of the Defence Staff in his December 9, 2009, press conference; and all other relevant documents; and".

**The Acting Speaker (Mr. Barry Devolin):** It is my duty to inform hon. members that an amendment to an opposition motion may be moved only with the consent of the sponsor of the motion. Therefore, I ask the hon. member for Vancouver South if he consents to this amendment being moved.

**Hon. Ujjal Dosanjh (Vancouver South, Lib.):** I do, Mr. Speaker.

**The Acting Speaker (Mr. Barry Devolin):** The debate is now on the amendment.

Questions and comments, the hon. member for Ottawa Centre.

**Mr. Paul Dewar (Ottawa Centre, NDP):** Mr. Speaker, I welcome the amendment. The Leader of the Opposition enumerated very well the concerns that we have all had. We moved a motion in committee to have documents released and, of course, we did not get what we asked for. Therefore, we welcome this amendment.

I have a question regarding the importance of receiving the notes that were written in the field. It was established yesterday by the Chief of the Defence Staff that in fact there was more information.

My question for the Leader of the Opposition is this. If we are able to get that information, is he asking that it be shared with Parliament in an uncensored form? That is my first question.

A supplement to that would be, if we are able to get the information forthwith, is he hoping we get it by tomorrow? What is the timeline that he hopes we get the information?

**Mr. Michael Ignatieff:** Mr. Speaker, it must follow from the nature of the motion that we have put forward that those documents must be uncensored. That is the answer to the first question. Second, it is our assumption that we are talking about immediate delivery of those documents, which is tomorrow.

• (1130)

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, I stand today to express my opposition to the motion, as amended, now before the House.



*Business of Supply*

I am convinced that it would be serious mistake for the government to produce the many documents referred to in the motion tabled by the hon. member for Vancouver South. Producing verbatim copies of these documents would jeopardize not only the security of Canadians serving in Afghanistan, but also Canada's relationships with other countries. Furthermore, the release of unedited versions of these documents would be clearly inconsistent with parliamentary convention related to the protection of sensitive information.

The Parliament of Canada has established important rules under the Canada Evidence Act in relation to the handling or disclosure of information concerning international relations, national defence or national security. The values underlying Parliament's intention to protect the national security of Canada from harm by unauthorized disclosure of sensitive information must inform the actions of ministers and officials.

Parliament exercises significant powers, yet Parliament also appreciate the importance of protecting confidential information. This is evident in statutes such as the Security of Information Act, the Canada Evidence Act, the Access to Information Act, the Privacy Act and the Criminal Code. The principle of public interest immunity is also well established in the common law. These principles also find expression in parliamentary convention.

The government's position on the matter is clear. We must make every effort to protect sensitive information that, if disclosed, could compromise Canada's security, national defence and international relations.

The government's position on co-operating with the parliamentary committee is also clear. We will continue to support the work of committees and provide any and all information that does not compromise the national interest.

The government rejects the notion, however, that parliamentary privilege somehow relieves public servants appearing before committee of their obligation to protect sensitive information that relates to national security, national defence or international relations.

As I am sure the members of the House will appreciate, there is a well-established parliamentary convention that committees will respect common law privileges and Crown immunity, particularly in relation to national defence, national security or international relations and not require the disclosure of injurious information.

The authoritative text, *Parliamentary Privilege in Canada* by Joseph Maingot makes this point clearly on page 191:

With respect to federal public servants who are witnesses before committees of either House, the theory of the compellability of witnesses...may come in conflict with the principle of ministerial responsibility. By convention, a parliamentary committee will respect Crown privilege when invoked, at least in relation to matters of national and public security.

To link this statement with the motion now before us, members of the House must acknowledge that important issues of national security are at stake and should therefore abide by parliamentary convention and respect the government's actions to protect sensitive information.

In essence, parliamentary convention must govern committee practices and procedures. Further support for this conclusion is provided by a 1991 report of the Standing Committee on Privileges and Elections, published as part of the Journals of the House. To quote from that:

The House of Commons recognizes that it should not require the production of documents in all cases; considerations of public policy, including national security, foreign relations, and so forth, enter into the decision as to when it is appropriate to order the production of such documents.

The House must exercise its powers responsibly. In some cases, the only responsible option is for the House and its committees to refrain from pressing the theoretical extent of their powers.

• (1135)

The government's concerns for national security informed an earlier decision to redact documents submitted to the Military Police Complaints Commission, also known as the MPCC. The decision reflects the fact that the MPCC operates in a significantly different legal environment than parliamentary committees.

On the subject of the extent of the redactions, no other tenable option existed once the MPCC decided to hold public hearings. The decision provided the MPCC with the power to compel testimony and to order the production of documents. The hearing therefore met the definition of a proceeding under section 38 of the Canada Evidence Act.

It is important to note that before the MPCC announced its intention to hold public hearings, government officials provided it full access to thousands of pages of unedited documents produced by Canadian Forces and the Department of National Defence.

The decision to redact documents is not taken lightly and reflects the absolute need to protect sensitive information. Pursuant to section 38, officials redacted the documents. Copies of these edited documents were later provided to the Special Committee on the Canadian mission to Afghanistan.

While section 38 of the Canada Evidence Act may not apply directly to proceedings of a special committee, the values that inform that legislation, passed by Parliament, are consistent with the parliamentary convention that harmful information should not be disclosed in a parliamentary setting. Accordingly the process under section 38 of the Canada Evidence Act serves as a useful surrogate to identify information that should not be disclosed to the special committee due to concerns related to national security, national defence or international relations.

The government fully supports the special committee and believes it plays an important role in Canada's democracy. Respect for legal duties enacted by Parliament is also essential to the health of our democracy. Ultimately, however, restricting access to particular information is justified by a more important goal, one that serves the best interests of Canadians.

### *Business of Supply*

The Supreme Court has acknowledged that the government must, on occasion, withhold sensitive information. In the *R. v. Thomson* decision, the Supreme Court stated clearly, “all government must maintain some degree of security and confidentiality in order to function”. It also confirmed that an act of Parliament would apply to the House of Commons expressly, as in the case of the Official Languages Act or implicitly as in the case of the Canadian Human Rights Act.

In the case the House heard about a little earlier, the *Canada (House of Commons) v. Vaid*, which is a 2005 Supreme Court of Canada case, the Supreme Court rejected the argument that the Canadian Human Rights Act had no application to the House of Commons because it did not so expressly provide. The Supreme Court held that the argument was “out of step with modern principles of statutory interpretation accepted in Canada” and that the proper approach was to construe the words of the act in their entire context, having regard to the scheme, object and remedial purpose of the act.

Although our debate today focuses on a point of parliamentary privilege, we must never forget that it also directly affects the lives of Canadians serving on the front lines of a deadly conflict a half world away.

As members of Parliament, we must never lose sight of the fact that men and women continue to put their lives at risk to defend our country and all that it represents. We must not sacrifice the safety of these brave souls on the altar of parliamentary privilege. Yet this is precisely what the motion before us today proposes to do.

• (1140)

To understand what is at stake, one must recall that Afghanistan's Taliban government played a central role in aiding and abetting a series of terrorist attacks against Canadians and Canada's allies.

Seven years ago, Canada deployed troops, in support of the invasion led by the United States to oust the Taliban and diminish the capacity of terrorists in Afghanistan to strike targets in the west. While the mission has evolved somewhat over the years, thousands of Canadians continue to serve in Afghanistan as part of an international effort to root out insurgents and to promote peace, prosperity and justice.

Last year, the members of the House voted overwhelmingly in favour of extending the mission through 2010.

In recent weeks, top officials from the Canadian Forces and several federal departments have provided evidence about the legal status of detainees and about the practices and procedures Canadian officials followed to ensure that they honour international laws and conventions.

On November 4, for instance, Canada's Judge Advocate General, Brigadier-General Kenneth Watkins, stated that:

The policies and procedures put in place by the Canadian Forces in Afghanistan and the legal test that must be satisfied before detainees can be transferred are all meant to ensure compliance with these international legal obligations.

During the same session, the committee heard testimony about the series of increasingly rigorous agreements and practices implemented by Canada, expressly to prevent the abuse of detainees.

A December 2005 agreement between the militaries of Canada and Afghanistan, signed under the Liberal government, empowered the International Committee of the Red Cross to monitor and report on the status of detainees. A more robust follow-up agreement, signed in 2007, enlisted a second independent monitor, the Afghanistan International Human Rights Commission, and restricted the movement of detainees captured by Canadians.

In addition to these measures, Canadian officials continue to monitor the treatment of detainees captured by our soldiers. When these officials found credible evidence of abuse, Canada temporarily halted the transfer of prisoners to Afghan officials in November 2007. The transfer resumed a few months later, once those concerns had been addressed.

The release of at least some of this information would clearly undermine the safety of Canadian officials working in Afghanistan. Information about when and how Canadian officials visit a particular prison, for instance, would be of great value to the insurgents and to the terrorists. They could use this knowledge to attack our monitors and free the detainees.

One can only imagine how the enemy would interpret and exploit other top secret information. It would be a grave mistake to underestimate the terrorists. They are both sophisticated and brazen. Among the more than 100 Canadians to die at their hands are three civilian aid workers and one senior diplomat.

We cannot lose sight of the fact that our soldiers are not the only ones engaged in this dangerous mission. The Government of Canada must do its utmost to protect everyone it assigns to Afghanistan.

It is this duty to protect that inspires my opposition to the motion before us today. The Government of Canada must not abandon this duty in response to the committee's investigation into the conduct of Canadian officials responsible for prisoners captured in Afghanistan.

There can be no doubt that this government has in fact co-operated with the committee. The government has ordered senior military personnel, diplomats and other officials to appear, often on short notice and often travelling vast distances. Their candid testimony has enabled committee members to gain critical knowledge about the capture and transfer of detainees.

• (1145)

All of these witnesses recognize, however, that they must not disclose information that might compromise Canada's security or international relations. As dutiful, honourable public officials, these witnesses respect the laws passed by Canada and the policies implemented by government that protect confidential information.

The allegation that the Government of Canada seeks to obstruct or interfere with the committee's work by denying access to documents is completely untrue. The committee has requested a considerable number of documents, and government officials continue to work hard to satisfy this request. The process will take some time because many of the papers contain top secret information.

*Business of Supply*

Parliamentary committees are essential and valuable components of Canada's democratic system. Canadians appreciate the analysis and the perspective that committees can bring to the issues of the day, but Canadians expect committees and Parliament itself to exercise those powers responsibly and reasonably and in accordance with parliamentary convention. Canadians do not accept that the relatively narrow interests of a single committee are more important than the safety of our men and women serving in Afghanistan.

Given these realities, restraint and caution must be our guide. The government must not release information under any circumstances that could jeopardize national security and international relations. I encourage my hon. colleagues to vote down the motion that is before us today.

**Hon. Shawn Murphy (Charlottetown, Lib.):** Mr. Speaker, let me say at the outset that I find this whole debate somewhat disturbing. You made a ruling earlier that the law is very clear that Parliament has the unfettered right to seek the production of persons, papers and records, and if it is to be banned by statute, that statute has to expressly make reference or restrict that fundamental right.

Up until now we have heard answers and comments from the minister and the Parliamentary Secretary to the Minister of National Defence saying that this was all covered by section 38 of the Canada Evidence Act. We have had one opinion from the parliamentary legal counsel. We have a second legal opinion from the parliamentary legal counsel. I understand yesterday it was disclosed that the lawyers who work for the Department of Justice, who work for the previous speaker, agree with that opinion. It seems to me that this whole House has been misled for the last six months.

Does the minister agree that that premise has been misleading this House, and if so, does he not agree that the conventions of this House dictate that the minister should resign?

**Hon. Rob Nicholson:** Mr. Speaker, the government has been very clear on the question of redacted documents and the documents that were placed before the Military Police Complaints Commission. The proceedings before that body were within the parameters of the Canada Evidence Act and section 38, with respect to the protection of those documents. That is why there was a number of redacted documents.

Those documents were made available to the committee and others, but it was on the basis that they were presented to the Military Police Complaints Commission that the redaction took place. It was clearly within the ambit of the Canada Evidence Act.

With respect to the behaviour and constraints, or lack of constraints, for parliamentary committees, the point that has been consistently made is that the interests of national security have to guide us at all times in our roles as parliamentarians in this. I quoted the Supreme Court of Canada decision in *House of Commons v. Vaid*, which made it clear that indeed Parliament and the House of Commons were subject to the Canadian Human Rights Act, even though there was no express provision in any act that it does apply to Parliament. However, when the Supreme Court of Canada had a look at it, it came to the logical conclusion that to hold otherwise would mean that we would be out of step with the modern principles of statutory interpretation accepted in Canada.

Indeed, just as the Canadian Human Rights Act applied for the very good reasons that were made in that decision is the point my ministerial colleagues and I are bringing before the House. The protection of Canadians serving abroad, the national security of these interests have to guide us in all our actions, just as the Canadian Human Rights Act guides Parliament with respect to its activities with respect to its employees, surely the national security is of importance to all members of Parliament. Any attempt that might compromise that, or expose these individuals, and as I pointed out not only are there members of the armed forces, but there are civilians working there on behalf of the government as well, any attempt that might expose them to danger or tip off the terrorists for whom they are targets, must be resisted. That concept must be completely understood by all parliamentarians in the exercise of their responsibilities.

● (1150)

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, we are dealing today with a Liberal opposition motion regarding Afghan detainees. We know the government has been hiding from this situation for the last four years. In fact, the Liberals, to give them credit, have agreed that the public inquiry that should be called should include their time in office as well. They have been fairly open about that.

The question I have for the government member is, why did the government leak Mr. Colvin's memos to the media and why is it obstructing the parliamentary committee's request for documents? If the government has nothing to hide, then why did it obstruct the Military Police Complaints Commission and why will it not get a public inquiry under way right away?

**Hon. Rob Nicholson:** Mr. Speaker, the government has been completely co-operative with the Military Police Complaints Commission, the MPCC. It has provided innumerable documents to that body and has done everything possible to comply with the work of that body within its mandate. That is very clear.

One of the very interesting comments by the member is that the Liberal Party would like a public inquiry to include its time in office. I say that the Liberals should step forward. If they know of any mess that they covered up or any mess at all during their time in office, I suggest they step forward and not wait until there is a public inquiry. They should do what we are doing. We are making documents available and co-operating with the committee and the MPCC.

The NDP says the Liberals would welcome some sort of examination of their time in office and how they handled this. We already know how ineffective and challenging their arrangements were with respect to prisoner transfer and it took a Conservative government to correct it and tighten it up. We know that for sure.

I ask them to step forward and give us all the information they know of or were covering up during their time in office.

*Business of Supply*

**Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC):** Mr. Speaker, would the Minister of Justice tell us why the mover of today's motion is completely irresponsible in asking government officials to break the law in the Canada Evidence Act in an attempt to further his own political gain? After all, was it not the former Liberal government that put in place the Canada Evidence Act after the 9/11 tragedy?

**Hon. Rob Nicholson:** Mr. Speaker, the hon. member has covered a number of points.

It is difficult for me to speculate on the motives of the individual who moved the motion. I can only say that the Liberals should adopt the same approach that we are taking, that the national security and protection and safety of individuals serving in Afghanistan, indeed serving abroad, have to be of the utmost concern to everyone, be it a committee of Parliament or the Military Police Complaints Commission.

This has to be our ultimate goal. I think I have made this point very clear and so have my ministerial colleagues. We have a responsibility to individuals who assist in the safety of others serving abroad. Again, it is not just members of the armed forces; it is civilians as well. We want to make sure they are protected.

Disclosing, for instance, as to when and how often they visit detainees, information like that, in my opinion, would jeopardize their safety. If terrorists get the log on something like that, it could be very dangerous. This is our motive for all our actions in this area.

• (1155)

**Hon. Ralph Goodale (Wascana, Lib.):** Mr. Speaker, the minister's proposition today seems to be that properly informing Parliament and honestly and fully answering questions about crucial issues like our mission in Afghanistan are somehow inconsistent with protecting the public interest or safeguarding national security or ensuring the most safe and secure conditions for our troops and others in the field in Afghanistan and maintaining good international relations. He says there is a fundamental inconsistency between properly informing Parliament and safeguarding those other things.

I would ask the minister, why is the government the only party that is in a position to safeguard those other things? Why is it not possible for the House of Commons and Parliament, which the Speaker made a ruling on earlier today, having all the powers to do so, to protect any sensitive information just as well as, and perhaps better than, the government can do?

**Hon. Rob Nicholson:** Mr. Speaker, the hon. member does not outline any particular procedure for that. Right now, public servants with expertise in this area work with other public servants. They have no other motive than the best interests of this country and the protection of our men and women in uniform. They have no other motive than that when they make recommendations with respect to redacting documents.

The hon. member has suggested to just dump all the papers. It would not even be confined to that. I suppose it would be tax records and anything else they want.

There is a process in place. Unbiased experts work within the public service of Canada and give advice on that. That is the proper

procedure and that is the procedure that has been taking place up to this point.

[Translation]

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, the opposition motion before us today is quite simply a response to a motion adopted by the Special Committee on the Canadian Mission in Afghanistan on November 23, calling on the government to table a number of documents.

I understand that this motion is coming before the House at this point in the debate because the members of the special committee are using every possible means to try to conduct their investigation, and, as I will demonstrate, they are facing a number of obstacles. I believe that a motion approved by Parliament would put a bit more pressure on a government that is not very transparent—opaque, if you will—and also extremely isolated.

I just want to address the issue of the government's non-transparency and isolation. I believe that it is important to review the facts. It all started in 2005, 2006 and 2007, when the opposition members in this House asked the government questions about the treatment of Afghan detainees. When I refer to that period, hon. members will understand that I am referring to both the Liberal regime and the Conservative regime.

The response was always that there was no problem, that international laws applied and that there was no torture. As the years went by, reporters conducted some very serious investigations that contradicted what the government was saying.

That is why we must get to the bottom of things today, because a certain commission known as the Military Police Complaints Commission decided to conduct a full investigation into the issue. The commission faced major obstacles from the government, a bit like the obstacles the special committee is facing today: non-disclosure of documents, censored documents, witnesses who were intimidated or gagged, and so on.

What happened is that the Military Policy Complaints Commission was forced to stop its work, because the government did not want certain witnesses to appear and did not want to disclose certain documents unless they were completely censored.

The special committee decided to take over because we felt it was important. We took over, and now, we are dealing with pretty much the same behaviour, except that the government is having a much harder time because it has to deal with the opposition every day during question period.

*Business of Supply*

Just now, I was talking about reporters. They do an excellent job of relaying public opinion, and that puts pressure on the government to change. We have not seen the end of this issue yet; we have been working on it every day. I was in the foyer before coming in to give my speech, and the situation was changing by the minute. We want to speed things up because we are about to wrap up the session. We have to uncover the truth. If the government thinks that we are going to put things off until the end of January just because the session ends tomorrow, it has another think coming. We have a job to do, and we must get to the bottom of this.

The government is not being transparent. It is on its own here because it has one theory, and pretty much everyone else has the opposite theory. All of the international organizations operating in Afghanistan, not to mention other groups, regularly turn up evidence of torture. There is plenty of evidence that it has happened.

I would like to point out that the Geneva convention covers more than just torture. One of the conditions for transferring detainees is that they not be tortured. However, there is another condition that involves avoiding the risk of torture. At this point, it is safe to say that everyone except the government acknowledges that there is a risk of torture and that torture occurs. Yesterday, the chief of defence staff, General Natynczyk, confirmed that there had been a case of torture.

We are absolutely convinced that there have been more such cases and that we, along with the people of Canada and Quebec, are witnessing a massive cover-up operation. I believe that the government will eventually pay the political price. What we have before us today is similar to the November 23 motion.

I would now like to describe the obstacles that the special committee on Afghanistan is facing.

●(1200)

The committee asked for a series of six documents, and asked to have them by December 2. As of today, we have received only two of the six documents we requested. Furthermore, these two documents are heavily censored. I cannot show these documents here in the House, but these reports are from the first series. These documents were presented during Mr. Colvin's testimony. But entire pages are blacked out.

I told the Minister of National Defence, when he appeared before the Standing Committee on National Defence, that this kind of page should not take much time to translate. A blacked-out page does not take very long to translate, and this keeps members from fulfilling their duty to investigate very serious allegations and to investigate what the chief of staff revealed yesterday.

These documents are very heavily censored. The government is invoking all kinds of national security clauses and dangers for soldiers. But the government employees who have testified, they have access to the uncensored documents. Members can picture the situation: the people before us had access to all of the uncensored documents. The generals even bragged about having seen the documents. They implied that we had not seen the documents because we were only members of Parliament, and that they held the truth, and that we did not have it. That is what was going on.

We cannot accept that documents are censored at this point. How can we adequately question the witnesses? How can we truly understand what is going on if we do not have access to these documents, and if the government has intentionally postponed their release? It is postponed again and again. That is why I thought it was necessary to say from the beginning that just because the House is adjourning tomorrow does not mean that everything will stop until the end of January. The Special Committee on the Canadian Mission in Afghanistan is discussing the possibility of sitting during the holiday period to continue examining and getting to the bottom of things.

I would like to come back to the point of order raised earlier, because I think it is important. It was raised earlier regarding the Minister of Justice. The first witness to appear before the Special Committee on the Canadian Mission in Afghanistan was the government's judge advocate general, General Watkins. What happened at the commission meeting also happened at the Special Committee on the Canadian Mission in Afghanistan. Indeed, from the beginning of the questions, the general told us that, because of his relationship with his client, he could not disclose certain things. That is when things fell apart. We therefore decided to look into what our rights are, as parliamentarians, as members, compared to the legal rights of a judge advocate general defending the government's case. I should point out that the client with whom he had a privileged relationship was the Government of Canada.

We have raised some very important points and I think it is important to talk about them again. We, as members of Parliament, represent the grand inquest. Under the Constitution, the members represent the grand inquest for the House of Commons. We are the ones to decide to get to the bottom of matters. We are elected. We have the legitimacy of having been elected in our respective ridings. It is therefore our responsibility to get to the bottom of things, in our respective areas of interest, when we think something is not right. That is what parliamentary democracy is all about.

In the British tradition, the government is the defender, the protector of the realm, and we are caught in the middle. Who has first right? We believe that the right of parliament should take precedence. The legislative counsel of the House of Commons said we must interpret the legislation in a way that respects every aspect of the Constitution and furthermore, that when a law applies to the work of Parliament, the House is the only one that can decide how that law applies to it.

●(1205)

That is rather clear. It means that when provisions such as section 38 of the Canada Evidence Act are invoked, which prevents the disclosure of matters for reasons of national security, we believe, and so does the legislative counsel of the House, that it can be challenged.

*Business of Supply*

The legislative counsel goes further: "If a law allows ministers or the government to conceal information from Parliament, that will mean that the government may invoke the law and avoid its obligation to account to the House." This would be unconstitutional because it is contrary to the fundamental principle of our parliamentary system. Moreover, the government's obligation to account to the House is a constitutional principle that cannot be set aside by mere legislation.

It is clear to us that when a committee asks for documents and especially when it asks that they be uncensored, the documents provided should not be censored. When a committee asks for documents within a period of time fixed by a motion, the documents should be provided within the time specified and not weeks or days later. Today is December 10 and the set of documents to which I referred earlier was to have been submitted before December 2.

We believe that Parliament's right must prevail, otherwise democracy no longer functions. A government might decide to withhold documents to protect its ministers. These are the very words of the legislative counsel who says it would be unconstitutional to do so.

Immunity is increasingly under attack. Parliamentary immunity is the means used by democracies to avoid being taken to court every five minutes by those with interests different from ours, which are to serve the people and democracy. The heads of major corporations may not agree with us. If restrictions are placed on what we say in the House and in committees, we are not serving democracy. That is why immunity was built into the system. When witnesses appear before committees, they must have immunity and the laws of Parliament must prevail.

Listen closely to what a senior official from the Department of Foreign Affairs said to Richard Colvin before he testified before the committee. When Mr. Colvin appeared before the committee, the Judge Advocate General had already been asked to consult with his client and submit his interpretation of our claim. We did not get a response, but the witnesses did, and this is what the senior official from the Department of Foreign Affairs said:

"GoC does not share the Clerk's view of the effect of the laws adopted by Parliament—"

We specifically asked the Judge Advocate General for his client's reaction and instead of giving it to us, he intimidates a witness.

He goes on to say:

"—and as a Public Servant [he means Richard Colvin] we trust that you will conduct yourself according to the interpretation of the GoC".

In other words, if Mr. Colvin is asked to keep quiet, to disclose nothing and to withhold documents, he must comply. To heck with parliamentary law.

"Should there be any concerns expressed by members of the Committee, those concerns should be referred to government counsel".

That is called depriving a witness of immunity and intimidating a witness because the government is telling him what to do. That is what it is called.

How can we move forward under such conditions? It is very clear that a witness has been intimidated and it is very clear that the government wants to obstruct the committee's deliberations. A witness has been intimidated and his immunity breached.

Before I run out of time, I would like to talk about ministerial accountability. Yesterday, three witnesses appeared before the committee: the Minister of Foreign Affairs, the Minister of National Defence and the current Chief Government Whip, who is the former Minister of National Defence. They explained at length that national security is important and so is the Canada Evidence Act.

• (1210)

With regard to the delays in disclosing information, they say that they are not responsible and that public servants are usually in charge of the files. They also blame bilingualism, saying that translating the documents takes time.

In the 16 years that I have been a member of the House, I have always heard the same thing. The best way to delay a committee's work is to say that the documents are not ready. That is a ministerial responsibility. But what have the three ministers and the government been doing? They have been shirking their responsibilities and blaming everyone else.

As for censorship, they say that senior Justice Canada officials—the minister mentioned this earlier—are the ones who determine whether a document could pose a risk to national security. They are the ones who decide whether or not to black out huge parts of a document.

So what about ministerial responsibility? I am sick and tired of hearing ministers say it is not their fault. They are always saying that public servants are the ones responsible, or the Canadian armed forces.

Who in this government is actually responsible for anything? When a person becomes a minister, that person has a job to do. That is what ministerial responsibility means. They have to be responsible and accountable to the people. We will not allow ministers to shirk their primary responsibility, which is to tell the people of Quebec and Canada exactly what is going on. That is important.

We are sick and tired of being told that they are not the ones who intimidated witnesses, that the person who did that was Shawn Barber, a senior Foreign Affairs official. I think the Minister of Foreign Affairs is the one who should take responsibility when one of his officials messes up.

We are also tired of seeing ministers take everything out on their underlings. The ministers are never to blame. They claim not to have seen a particular document because National Defence receives thousands of documents every day.

That is not what I call exercising ministerial responsibility. They are shirking their duty as ministers if they are not professional and transparent and they are not keeping abreast of what is happening in their department. It is not true that a minister who has just faced a barrage of questions goes back to his office, sits down and says that there is no need to worry.

When one has a ministerial responsibility, one calls in one's staff and asks them exactly what is happening. If a minister does not do that, then he or she is shirking that ministerial responsibility. It is the ministers who are to blame for the current crisis. It is certainly not the opposition, which is trying to get to the bottom of things.

The blame lies with the ministers and the Prime Minister. They need to step up to the plate and exercise their ministerial responsibility. That is why we are being forced to introduce a motion in the House to have access to documents.

They are refusing to give the Military Police Complaints Commission and the Special Committee on the Canadian Mission in Afghanistan access to documents. Will they go so far as to deny Parliament access to the documents?

I would remind this government that it is in a minority position, not a majority position. That means that there are far more people today who have confidence in the opposition than in the government. If the government does not want to face that sad reality, too bad. We are certainly not going to abandon our role, which is to get to the bottom of things in a situation such as this.

One witness was silenced by a formal legal demand. The minister can go ahead and say that it did not come from him, but from a justice department lawyer. By the same token, the Minister of Foreign Affairs can say that it was a senior official in his department who did a given thing. But the fact remains that, ultimately, the minister is responsible.

To no one's surprise, we are going to support the opposition motion before us today. It will not stop there. I want the government to know that it is in for some problems. It can put up all the barriers it wants, but we will keep on defending democracy.

In the British tradition, we are the grand inquest and the government is the protector of the realm. It can go ahead and protect the realm, but its house of cards is going to come tumbling down. In fact, it has already started to fall.

We will be pleased to support the Liberal motion.

• (1215)

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Madam Speaker, I thank my hon. Bloc Québécois colleague for his speech and for indicating that his party intends to support the official opposition motion.

I just want to emphasize one point, because the member mentioned that this is a minority government and, accordingly, that this government should not have done what it did.

In 2004, the Liberals formed the government and had a majority until the election at the end of June 2004. As hon. members will recall, the Standing Committee on Public Accounts began examining the Auditor General's report regarding the sponsorship program. The

### *Business of Supply*

committee—I, personally, in fact, as a member and vice-chair of that committee—moved a motion demanding that the government hand over all documents from cabinet and the cabinet committee on the Treasury Board regarding the sponsorship program. The government, which had a majority at the time, acceded to the committee's request and provided all the documents. That was the first time in the history of the Confederation that a government handed over cabinet committee documents and reports, and we did not hesitate to do so.

I wonder what the member thinks of the Conservative government's behaviour, in light of that example.

**Mr. Claude Bachand:** Madam Speaker, I agree with the hon. member. Indeed, as my Bloc Québécois colleague—who was also a member of the same committee—explained to me, that committee did not need to push the matter back into the House for an order to be made there, because the government decided to hand over the information, which is to its credit.

I would also like to come back to the member's initial comments. I mentioned that the opposition forms the majority and the government has a minority. I would simply like her to think about what would happen if the Conservative government were given a majority one day and what situation we would find ourselves in then. What we are seeing now is just a fragment of what we could expect. I think it would be undemocratic if that were to happen.

• (1220)

[English]

**Mr. Laurie Hawn (Parliamentary Secretary to the Minister of National Defence, CPC):** Madam Speaker, with respect to opinions, which is what we have received from various legal experts and people in the legal profession, an expert is someone who agrees with one. That makes the person an expert.

It is interesting to hear the member of the Bloc being so concerned about protecting the Constitution of Canada when in fact those members want to break up the country.

I have a simple question for my colleague with respect to the inadvertent release of the kind of information members are asking for. What is that member going to say to the family of a soldier or aid worker who has been killed because of the release of information, or because an international organization we had previously been able to trust, or that had previously been able to trust us, then withholds that information? What is he going to say to that family?

[Translation]

**Mr. Claude Bachand:** Madam Speaker, regarding the Constitution, it is clear that we cannot evolve in a constitutional vacuum. Even if we question the current structure of government in Canada, we are still required to respect the system in which we find ourselves, which is the Canadian system. There is a Constitution. If Quebec became sovereign, and I hope that it soon will, there will also be a constitution. A constitution is the very basis of a democracy. For the time being, we respect the Canadian Constitution.

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The government's line of defence is always the same. It tells us that we are endangering the soldiers, that we are friends of the Taliban. We hear that all the time. That is not the issue here. There are a number of ways for a committee to work, and if we need to see secret information, we can see it.

The issue of in camera meetings is often brought up. That is what we want to address. The government should reveal the information to us, and we will be responsible enough not to disclose it outside the committee, because I do understand the operational side. However, I am tired of always hearing the government say the same thing. When someone wants to get to the bottom of things, the government says they have been manipulated by the Taliban, and that they are endangering our poor soldiers and their families. That is not the case. What puts our soldiers in danger is when the government makes some serious mistakes and then tries to cover them up, and when there are no legal provisions about how to hand over detainees to Afghan authorities.

That is what the government is doing with its lack of transparency, and that is more harmful to our Canadian troops than the people who want to get to the bottom of things.

[English]

**Mr. Jack Harris (St. John's East, NDP):** Madam Speaker, I appreciate the comments of my colleague from Saint-Jean. The member and his party have supported our call for a public inquiry and the resignation of the minister, neither of which the government has agreed to yet.

Therefore, the committee work that is going on right now seems to be the only method, and it should go forward. This motion will help with that.

One thing that has come out in the committee from David Mulroney, the most senior diplomat involved, is that he said very clearly that in May 2007 or thereafter, we started to develop a database of people whom we had detained.

That is the closest the government has come to admitting that prior to then, it really did not keep very good track of whom it was detaining and what was happening to them.

Does that piece of information give rise to a greater need for us to know exactly what was known prior to that time by the government?

[Translation]

**Mr. Claude Bachand:** Madam Speaker, my colleague is right. We see in a number of documents that the government did not have an accurate record of all the detainees it handed over to the Afghan authorities. How can it claim that there is and was no torture when as soon as the detainees were handed over to the Afghan authorities, they were not seen again for weeks, months, even years? The detainees were probably handed over to the authorities and nothing more was ever heard about them.

There are also the very critical and very negative reports from all the non governmental organizations such as the Red Cross, Human Rights Watch and the Afghanistan Independent Human Rights Commission, which indicate that torture is everywhere.

The Geneva Convention not only says that we cannot hand detainees over to torture, but it goes even further and says that we

cannot hand detainees over if there is a risk of torture. As we speak, there is a clear risk of torture and the chief of defence staff confirmed yesterday that there was one case of torture. We think there are far more cases than that.

● (1225)

[English]

**Mr. Paul Szabo (Mississauga South, Lib.):** Madam Speaker, I guess as Canadians follow this story, they are a little confused why parliamentarians, who represent all the people in the country, are unable to have access to the documents. I think they have all heard about Parliament's unfettered right to call for persons, papers or records, and we have had many examples in the past and there have been challenges in the courts.

There is another way and I am wondering why the committee did not seek to have the government swear in as Privy Councillors those members of the committee who were not already Privy Councillors, which would in fact give them the chance to review the unredacted documents in camera. It would have been an eminently good approach, simply because the government and witnesses had declared there was nothing in the materials that would indicate anything about torture.

Were there other options considered by the committee?

[Translation]

**The Acting Speaker (Ms. Denise Savoie):** The hon. member for Saint-Jean has one minute to reply.

**Mr. Claude Bachand:** Madam Speaker, I would say to my colleague that it may be one way of proceeding. However, I must admit that the committee has not considered it just yet.

We have considered hearing witnesses in camera when dealing with a top secret passage. There are a number of security levels up to top secret. Those in the room would leave and the members could then listen to what the person has to say.

This also entails the responsibility of being bound by secrecy and not disclosing any information to the journalists waiting outside the room at the end of the committee session.

I appreciate my colleague's suggestion and we currently are in need of help. If other colleagues have good ideas we would like to hear them.

[English]

**Mr. Jack Harris (St. John's East, NDP):** Madam Speaker, I am pleased to have an opportunity to join in the debate on the opposition day motion, calling for papers and documents to be presented in an uncensored form to the House.

However, before I talk about that, I want to emphasize what this whole issue is about. It is about Canada meeting its obligations under international humanitarian law.



I want to quote Brigadier-General Ken Watkins, who appeared before the Afghanistan committee several weeks ago. He was the one who laid out that transferring prisoners to a situation where there was a real risk of torture or abuse was contrary to international humanitarian law, the law of armed conflict. That is precisely the situation we are concerned about along with what Canada did in the period after it started taking prisoners.

I should have said, Madam Speaker, that I am sharing my time with the member for Ottawa Centre. Therefore, I will only have the first half of the 20-minute period.

The important point is the inquiry by the House of Commons committee on Afghanistan is in furtherance of trying to find out what the government did in order to meet its obligations.

What have we heard from the government? We have heard a defence based on, regardless of what happened, the fact that there is no proof any particular prisoner passed over by the Canadian Forces was subject to torture or abuse. This has been said many times.

On four occasions, on November 23, the Minister of Defence stated, "There has never been a single proven allegation of abuse" involving a prisoner transferred by the Canadian Forces.

The Minister of Foreign Affairs and International Trade said, on December 1, "Let me be perfectly clear. There has never been a proven allegation of abuse involving a transferred Taliban prisoner by Canadian Forces".

On December 4, the Minister of Transport said, "There has not been a single proven allegation of abuse of a Canadian-transferred prisoner".

We know that is not true. We know that is patently false. The government has been providing false information to the House.

What are we to do about it? Our party has called for a public inquiry based on the revelations of our diplomat, Richard Colvin, who, starting in May 2006, was writing memos and letters, six of them in 2006 alone, referring to the problems and passing them out. We have not seen those memorandums yet.

In fact, we have seen one, and this is an indication of why there is a need for uncensored documents, dated December 4, 2006. The subject line is "Afghanistan: Detainee issues". It refers to earlier memoranda of July 25, 2006, October 6, 2006, and November 24, 2006. This was given to the committee with nothing on it. It was blacked out for pages and pages on end. Three pages of the entire text of that memorandum were blacked out, with nothing being disclosed to the committee. The reply directed to an ambassador was also entirely censored, although "redacted" seems to be the favoured word. The committee and the public were deprived of knowing what in fact Mr. Colvin was saying and talking about under the heading "Afghanistan: Detainee issues".

We need to know. If there is nothing to hide, then the committee can find a way, as has been suggested, at looking at these documents, whether it be in an in camera meeting or whether a privy councillor opportunity or option is chosen, whatever way is needed, to ensure issues of national security are protected. The fact is this information needs to be made public and known.

### *Business of Supply*

Yesterday General Natynczyk confirmed what had been reported in the press, that, yes, Canadian detainees passed over were abused. The Canadian Forces took them back. Another individual they did not pass over because the interpreter overheard the Afghan police talking about killing the individual.

● (1230)

This confirms the concerns of Mr. Colvin and others about extrajudicial killings. This confirms the notion that the soldiers knew, in the summer of 2006, that there was a real risk of prisoner abuse or torture. In fact, they not only knew but they took pictures. They were taking pictures before they passed them over because they were concerned they might be abused, as had happened before.

That knowledge was live, on the ground and in the field in Afghanistan at that time, yet the government continued to order prisoners to be passed over to the Afghan authorities. That is the problem and we need to get to the bottom of it. The government does not want to have a public inquiry, which the House called for on December 1 when it voted on our opposition day motion. The motion was supported by the Bloc Québécois and the Liberals.

The government still refused to have a public inquiry and it refused our requests when the full extent of the lack of forthrightness by the Minister of National Defence and his misleading of the House on this issue came forward. Our request for him to resign and our insistence that he take responsibility as minister for misleading the House have both been refused.

We still have the committee at work and we do have the supremacy of Parliament, but we cannot have a situation such as the Minister of Justice suggests. Some individuals, using their discretion, are saying that members of Parliament cannot find out about what is going on. That is their position, but that is the wrong position. This has been very clear in the documents and the authorities. The claims of Crown privilege do not diminish or derogate from the power of a House to require attendance, testimony and production of documents.

A very comprehensive study was published called "The Power of Parliamentary Houses to Send for Persons, Papers & Records" by the member for Scarborough—Rouge River, an MP, lawyer and member of the House. He compiled all the authorities that related to the ability of a House and committees to get documents. There are provisions for a request by the government for committees not to take the parliamentary power to the extent.

### *Maingot writes:*

With respect to federal public servants who are witnesses before committee... the theory of the compellability of a witness to answer questions generally may come in conflict with the principle of ministerial responsibility.

By convention, a parliamentary committee will respect Crown privilege when invoked, at least in relation to matters of national and public security.

In the final analysis, witnesses must rely on the collective common sense of the members of the committee and their good graces.

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The Crown has the right to claim privileges, but the supremacy of Parliament is incontestable. While they may claim it, the power of Parliament is predominant and overrides that. This is a perfect example of where that needs to be the case. We have a Parliament where the majority of the members of Parliament sit in opposition to the government. The government is seeking to use means to prevent Parliament from exercising its power of being supreme through its committee.

This is an example of an important constitutional matter, the supremacy of Parliament over the executive. There may need to be means to ensure that something that should genuinely not be disclosed to the public is not, but being disclosed to the public and being disclosed to members of Parliament are two different things. I think members of Parliament understand and know that.

We support the motion. We think it is time that Parliament ensured its privileges are respected and that members of Parliament can be counted on to do their job and act in the public interest.

• (1235)

**Hon. Jim Abbott (Parliamentary Secretary to the Minister of International Cooperation, CPC):** Madam Speaker, I would like to ask the member a very direct question.

Much of the information that has been blacked out, redacted has happened in order to protect confidential sources from which the Government of Canada receives the information. It is also done to protect the lives of Canadians who serve either in the military in other ways in Afghanistan.

Therefore, much of the information, even if he should be able to see it, in fairness to our ability as a nation to act in the world as a member of the world community and certainly to protect the lives of the Canadians who are there to do their thing on behalf of Canada, he would not be able to speak about publicly.

What will he do with this information? I find it rather curious that he wants a wholesale exposure of all the information. There is absolutely nothing in the motion that restricts us from having a wholesale exposure of this vital information.

**Mr. Jack Harris:** Madam Speaker, the motion speaks to making it available to the House. This is a copy of the documents that the committee received so far, with all kinds of censorship.

The government talks about national secrets and all that, but contained in these documents is redactions of the number of detainees who were detained on a particular day in 2006. That is blacked out. How is that in any way concerned with national security today, three and a half years later, whether they detained two, or three or four people?

That level of detail is redacted, blacked out in such a way as to make the committee feel it does not trust the people who cross all this out. We do not think the information that needs to be available is available. The business of protecting lives is rhetoric that the government is using to try to hide behind.

Members of Parliament have to be trusted to see this so they can exercise their judgment about what the government knew and should have known at what relevant time.

• (1240)

**Mr. Paul Dewar (Ottawa Centre, NDP):** Madam Speaker, one thing we know, as we have studied this file, and it goes back to 2006 for our party, is other countries did different things when it came to detainee transfers. It relates to the discussion today. There was much more transparency in the case of the U.K., and still is. In the case of the Dutch, every time there is a transfer of a detainee, their Parliament is informed.

The Conservative government is censoring documents on the numbers of detainees being transferred, as my colleague from St. John's East said, even back to 2006. It seems a little bizarre when the Canadian government says it cannot allow that information to be put out when our allies do it. In fact, back in 2006, our allies said to us that we needed to get a better process.

What does he think about our redaction and censoring versus our allies' sharing of information?

**Mr. Jack Harris:** Madam Speaker, clearly, as the member for Ottawa Centre knows, the government has built up a wall of secrecy around this. It is unbelievable and unnecessary. As pointed out, the Dutch parliament is told the number of people captured each day as they are captured. Therefore, it obviously is not regarded as national security in any general sense.

The Conservative government does not want to make it known because it has this wall of secrecy and this idea that no one should know what goes on. That has been the real problem.

A full public inquiry would actually lay out for governments of the future and the current government what we have to do in order to comply with our international human rights obligations. We need to know that.

We do not really have faith that the government has it right. It cannot even get it right in terms of letting us know what is going on. It has not been providing the information we need. It has been giving false information to Parliament. This is an ongoing situation.

We need to have the answers. A start would be this committee doing its work. The full answer should be a public inquiry.

**Mr. Paul Dewar (Ottawa Centre, NDP):** Madam Speaker, I want to start off by sharing with members of the House some of the information to which we have had access.

The debate today is around access to information, so that we can actually get to the bottom of what is happening, and perhaps is happening, with regard to the transfer of detainees from Canadian Forces to Afghan authorities.

One of the things that has been available to members of Parliament and the public is testimony from the Federal Court. I am going to be reading into the record some of the evidence that was provided during a testimony cross-examination of Kerry Buck, of course, a government official.

The questions were regarding what was happening on the ground in terms of investigation and follow-up. One of the challenges in this debate has been trying to figure out who is responsible for what, and most of the thrust of Mr. Colvin's message was trying to figure out what the roles of each of the institutions were: Canadian Forces, DFAIT, et cetera.

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In this testimony, that is available and it is not censored, there was a question from the lawyer to Ms. Buck, asking:

In the next bullet he says [the detainee] that he was hit on the feet with a cable or a big wire and forced to stand for two days but that's all and he showed the Canadian officials a mark on the back of his ankle which he said is from the cable?

Ms. Buck answered:

Yes, that's the allegation.

The lawyer then asked:

Has that allegation been investigated? Do you know?

This is where it is important. Ms. Buck said that they really were not responsible for investigating.

We have heard time and time again from the government that there is not one scintilla of evidence that a detainee who was passed on from Canadian Forces to Afghan officials was tortured. The problem, and we see this in testimony here that I am reading into the record, is that there was no follow-up because the role was this. The Canadian Forces passed on detainees to the Afghan officials. After that, there was no investigation of allegations. In fact, it was reliant upon the Afghanistan independent human rights commission and the Red Cross to do that.

Here is where it gets interesting. When we have testimony of marks and individuals making allegations about being beaten, et cetera, there is an attempt to find out who is responsible. The government agrees that there are allegations and it claims that none of these allegations were ever proven, but it begs this question. If there were allegations, who was following up? If it was not a Canadian official, then obviously Canada will not know what is happening.

The question then is, who was doing it? We find out that there was no connection between the Canadian government and the follow-up to any investigations. I will just give a bit of the record to underline what I am saying.

Ms. Buck said:

Allegations are allegations. Some will be valid, some will not be valid.

At least she acknowledged that some of the allegations could be true. The question posed to Ms. Buck then was:

But we don't make any of our own independent assessment of the potential strength of the allegations?

Here is the answer. She said:

We don't. It's not our role. It's not our role.

The question then was:

It's not our role to determine whether there might be some kind of risk that detainees are being tortured?

The answer was:

No, it's our role to determine risk, but it is not our role to determine credibility of the allegations, to determine veracity of the allegations. We don't investigate those allegations. We record them.

The problem with that is the following. If we look at the evidence that we have available, we have the ICRC, and there have been articles written about this, having met with Canadian officials, saying, "You have a problem with the transfer process".

It was not referring to the fact that detainees were passed over. It was what happened to them after, and the follow-up and the investigative procedure. We have Ms. Buck saying, for the record that they do not do that.

Mr. Colvin was saying at the same time that there was a problem, which he said in one of the memos that we did get, which was highly redacted and goes to April 2007. He said, "The position of the Red Cross is that each nation has international legal obligations regarding the transfer of detainees".

• (1245)

What that means is not simply that we have a legal obligation to say we have handed them over, but to follow-up. This is where there has been a black hole. The government has always said there is no proof of any detainees being tortured. That was blown out of the water yesterday, but Conservatives continued down this path of basically saying that once we hand them over we are not responsible.

Some of the memos indicate that there was a debate, and this is reading the tea leaves, between DFAIT and Canadian Forces as to who was responsible once those detainees were handed over. I am reading a redacted memo from Mr. Colvin which said: "However, I would like to note that the ambassador remains strongly of the view that initial notification should be of handing over detainees should be by Canadian Forces and that secondly, notification of the Red Cross and the Afghan independent human rights commission should be sent as soon as an Afghan detainee is detained by Canadian Forces, not only in connection with his transfer to the government of Afghanistan custody. This would serve two important purposes. One is that it would underline DND's ownership of detention and DFAIT would assume responsibility for follow-up once a detainee is transferred to the government of Afghanistan".

Here we have the debate Mr. Colvin has laid out of who was responsible. Was it Canadian Forces? Was it DFAIT? The generals and General Hillier, et cetera, all said that once they were handed over it was not their role any more. The soldiers who were writing in the field, and we heard from the Chief of the Defence Staff yesterday, said they were worried about handing them over because of what would happen. They said not only what would happen to this one particular detainee but it had happened before. So they did due diligence. They did their job. They took pictures. They wrote notes.

However, what we have here is the gap that there was no process to follow-up. The debate was saying whose role was it after a detainee had been handed over? Why were they concerned? Because as we have gone over many times, the Red Cross, the Afghan independent human rights commission, the state department, our own human rights reports done by DFAIT, all said there were problems with torture in Afghan jails. There were extrajudicial killings. The soldiers knew that. We had evidence yesterday from the Chief of the Defence Staff who said in the notes that were handed over: "Overhearing Afghan officials saying they were going to kill one of the detainees".

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The problem was obvious to everyone. The issue was, what did the government do about it? In this memo that was not highly redacted says there was a debate. Who was responsible? Colvin's note said that initially it was the Canadian Forces, after that it was the DFAIT officials. What we have though from Ms. Buck, what I already read into the record, is that we were not responsible for investigating after. There is a huge hole here.

Under international law, we are obligated to follow-up if there is a risk or a probability. That is very clear. So we need from the government all of the evidence.

It leads to my final statement on this and I will sum up, how can we trust the government with the present detainee transfer agreement, which I have concerns about in terms of investigation, et cetera? If we know before that the government was not investigating when it knew there was torture and there were international law obligations. From all the data in the redacted censored documents we have, there was a debate and a concern within departments, by the Red Cross and others. Conservatives seem to have ignored it.

Finally, we call on the government not only to bring forward these documents so we can have an actual overview of this without all the censoring but we need to obviously have an inquiry. If it is not able to do that, then it has lost the trust of this Parliament to actually be upfront and we remain concerned about the present agreement.

• (1250)

**Mr. Laurie Hawn (Parliamentary Secretary to the Minister of National Defence, CPC):** Madam Speaker, the member continually confuses the timelines and I am sure he does that for his own reasons.

He talks about the ICRC and the AIHRC and how they were not passing information. That was the arrangement we had with them. We were trusting them to do that. When we found out they were not, we made changes. That is what he is completely missing, completely ignoring.

The ICRC has refuted the story about dealing with Canadian officials. It said it just does not operate that way. It said it has an excellent relationship with Canada. It said it would never go public unless there was a problem and it never went public.

He is not situating the timeframe for when anything was happening. Sure, there were discussions. They started in 2006 and carried on into 2007, when we actually made changes based on all the information we got from all sources.

I would ask the member to quit misleading the House and misrepresenting the situation by concentrating on what was happening in 2006 and not talking about what was going on in 2007, which is working very well today, notwithstanding that one Taliban got hit with a shoe.

**Mr. Paul Dewar:** Madam Speaker, I appreciate that sometimes rhetoric gets the better of us, but for the parliamentary secretary to say that there were some concerns about a prisoner only getting hit by a shoe undermines the actual notation by one of our soldiers. One of our soldiers, who reportedly the government supports, was very clear about the fact that there was concern about extrajudicial

killings and torture, not about being hit by a shoe. I will put that aside, which is a big aside.

The ICRC said on three different occasions in meetings with ministers and officials that they were not doing their job. What the ICRC also said is that it does not tell Canadian Forces and officials what has been happening, that it only tells the host country. It is not mandated to. One of the ministers had to step aside and apologize because that was not clear.

On November 20, 2006, to specify the timeframe for the parliamentary secretary, officials drafted talking points based on the concerns of the ICRC. They drafted talking points. Does anyone know what the concerns were? The concerns were handing over detainees to probable torture. Instead of fixing the problem, the government was more concerned about talking points, spinning and trying to get the public onside rather than to fix the problem.

In 2006 that was happening. The member should know that. I know he does. This was not about someone being hit by a shoe. The field notes of that soldier were clear. There were beatings by police and that is why the soldiers made sure they rescued that prisoner and did the right thing. It does a disservice to our men and women in the field to say it was something else.

• (1255)

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Madam Speaker, this is a very secretive and defensive government. I asked a government member an hour ago why the government leaked Mr. Colvin's memos to the media and why it was obstructing the parliamentary committee's request for documents. There has been absolutely no answer to those direct questions.

I asked if the government had nothing to hide, why it obstructed the Military Police Complaints Commission. He said that the government was making documents available to the Military Police Complaints Commission, which I am not sure is the case. I would ask the member, would he like to elaborate a bit on that?

Once again, we have an obstructionist, defensive government that, when asked a pointed and direct question, skates around the issue, filibusters the question and does not answer it.

**Mr. Paul Dewar:** Madam Speaker, the government should do what, quite frankly, the Chief of the Defence Staff did yesterday. When one has a problem, instead of trying to lay talking points over it and build a wall of secrecy around it, one should deal with it.

The Military Police Complaints Commission has not been able to do its job because it was not getting the information it needed to do its job. We are not able to do our job in committee because the government keeps withholding information or the information that we get from the government is entirely blacked out.

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We have a pattern of the government trying to deny the facts, withhold evidence, and block any kind of inquiry that will get to the bottom of what all of us are concerned about and hopefully the government as well, which is what is happening in the field. Are we living up to international law? Those are real concerns. They affect the men and women in the field and our reputation.

**Hon. Bryon Wilfert (Richmond Hill, Lib.):** Madam Speaker, I am pleased to debate the motion today and I want to start by outlining where I will be going. I will look at the context of how we got here. I want to talk about the government obstruction, the rights of a committee, the importance of this issue to Canadians and, clearly, why we need a public inquiry.

There is no question that this is a very serious issue. As a parliamentarian, I need to have access to information in order to carry out my responsibilities, which include oversight of government.

The issue we are debating today has nothing to do with the actions of our forces on the ground. They are doing an outstanding job and we know that. We know that the men and women are performing in a first class way in the field. Having been there on two occasions, I know that for a fact. I know that our diplomats and our military are discharging their responsibilities. The question is whether the government is discharging its responsibility, not only to Parliament but also to Canadians.

It needs to be emphasized again that as parliamentarians and part of the special committee set up to oversee the work that we are doing in Afghanistan, we need to be able to inform Canadians. We cannot inform Canadians unless we have readily available information.

The question is also about Canada's international obligations, obligations in terms of the Geneva Convention and the issues of human rights. Again, when it comes to that, our soldiers are following the absolute letter.

The issue is clearly what the government knew if and when there were abuses when Canadian detainees were transferred to Afghan authorities, whether the Afghan police or the Afghan national army.

There is need for accountability. Government has to be accountable, and in this country the government is ultimately accountable to Parliament. Parliamentarians, if they have any role, it is the role of oversight. If they are to have meaning, and this is important on both sides of the aisle, they must have the ability to have oversight, to call for documents, to call witnesses and to be able to ask the questions that are sometimes uncomfortable for government but are needed in order to get the answers. Wherever that questioning goes, it is obviously important.

I give the example that we have, at the moment, a number of allegations out there. These allegations are difficult to deal with if we do not have the documents. We have had witnesses before the special committee who have obviously seen the documents, but they have seen them unredacted, without the black marks all over them. I know I am not allowed to use props, so I will not, Madam Speaker, you have probably seen them on television, but there are pages that are simply black. We do not know what their dates are or who was involved, because certain words are blacked out. Therefore, as a member of that committee, as vice-chairman of that committee, I

cannot really determine very much if all I see are blacked out documents.

Talking about climate change, it is amazing the number of trees that we have cut down to produce these simple documents that do not tell members anything. Subcommittee members certainly are aware that many of the witnesses who came before the committee had access to those documents unfettered. I think it is very disturbing that witnesses would be able to look at the documents, but somehow members of the committee cannot.

Therefore, the purpose of today's motion is to deal with this issue. Later on I will get into the rights of the committee and, of course, the legal issues we are dealing with.

When we ask if the government is covering up torture, one would conclude that might be a logical assumption if the government is not in fact prepared to provide the evidence that committee members need. One would assume, unless, by chance, the government side of the committee has seen everything and we have not, that it would be of value to all members of the committee to have the unfettered documents. Apparently members on the other side believe that we can do the work without having the documents.

● (1300)

This country has a long tradition for human rights. It has a long tradition in the world on the issue of protecting the individual. Our central foreign policy has traditionally been on the issue human rights and the protection of the individual and the right to protect.

Therefore, it is absolutely critical that when there are allegations going back as far as 2006, we are able to investigate them in a manner consistent with the parliamentary motion of March 2008, which gave the committee that oversight of the very issue we are talking about.

A public inquiry then is what we are eventually going to be talking about, but in terms of the specifics of this committee, the committee has heard witnesses and different views. We have heard from Mr. Colvin, a respected diplomat. We have heard from three respected generals, and from Mr. Mulroney, our current ambassador to China. The issue is that we have heard testimony, but conflicting testimony.

Obviously if these individuals have access to documents that may shed light on where we can find the truth, we cannot do that unless the documents are produced.

The government has, from the very beginning, said there have been no credible cases of abuse. That has been the line in the House from day one, that we do not have any credible evidence. How can the government be absolutely certain?

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On Tuesday, the Chief of the Defence Staff, General Natynczyk, who is a great Canadian and a very honourable individual, came before the defence committee and indicated that to the best of his knowledge, the individual in question in the Noonan report was in fact not a Canadian detainee transferred over to the Afghan national police. The general then took the extraordinary step yesterday of convening a press conference to indicate very clearly that new information had come to light and that, in fact, it was a Canadian detainee who was transferred.

The question of course then is what information came to light and why does the Special Committee on the Canadian Mission in Afghanistan not have that information? Clearly, the general has information that led him to say, no, what he had said on Tuesday was not correct and that on Wednesday, he had new information.

Everyone seems to have information except the very members of the committee who are charged with the responsibility of dealing with this issue. That is why we are saying that not only is there a cover up but also that we need a full public inquiry. Without a full public inquiry it seems that we are simply a Hollywood backdrop here. We are not able to get the kind of information we need. I cannot believe that members on the other side are not as frustrated as those of us in the opposition.

The government cannot, in my view, and I am sure many of my colleagues would agree, deny any further that there is no credible evidence. I say this because when Colonel Noonan did his report, they took photos of the individual before they turned him over, to be clear that there were no signs of any abuse, and they also took detailed notes. Later we found that there was.

The Canadian soldiers did their job. We are asking the government to do its job by providing the information that we need.

Again, General Natynczyk received information. He has now indicated that it was a Canadian detainee who was turned over. We need to know on what basis the general decided to go public and say this was in fact the case. Without that information it is difficult for us to do very much.

I realize that perhaps the motive or intent of the government is that the committee not be able to do its work successfully. I know the government would like this issue to go away. I know the government would like us to say that Christmas is coming and this will soon be off the front pages and we will not worry about this and that when we reconvene at the end of January, we will move on to something else.

However, this is a fundamental issue for Canadians. This is the issue of our role in the world, our role in terms of human rights. It is not something that we can slough off. It is not something we can say that because we are going to have Christmas break, we will not worry about it and everything will be fine.

• (1305)

We need to know what the government knew. Again, this has nothing to do with the performance of our soldiers on the ground. I keep hearing members on the other side saying that we do not support our soldiers, but there is not a member in the House who does not support our troops.

However, the issue is that we do not have confidence in the ability of the government to provide the truth, if it is not willing to give us information. We have two binders of information that are basically useless, because the information was redacted to the point where nobody could take it seriously. It is not easy to read a line and then a few words later on there are a few more words blocked out, and so on. There are pages that are completely blacked out. Who is the government kidding? As for the situation now, the government has denied the request of the committee on November 25 to see the uncensored documents. We said that we needed to see the documents.

There is a concern about whether or not this information should be in the hands of Parliament. We heard from Rob Walsh, a well respected law clerk and parliamentary counsel, whose view is that section 38 does not apply and that in this case, in fact, the supremacy of Parliament dominates.

Therefore, there are clearly ways for a committee to operate with a few sensitive documents, although these documents are obviously not sensitive for certain journalists who have had unfettered access to them. They are obviously not sensitive for certain witnesses who have come before committee and have had access to them in full. However, elected members of Parliament who have a responsibility for oversight apparently cannot be trusted with this information. As a member of the Privy Council, I cherish that title; but, unfortunately, I no longer have the ability to access such documents.

The reality is that either we are serious about this issue and serious about getting to the truth and about our international image and human rights, or we are not. If we are not, then the role of the committee is called into question. We have a parliamentary motion from March 2008 that was extremely clear on the issue of oversight, and particularly on anything to do with detainees. Therefore, this is absolutely fundamental to me.

The House of Commons public accounts committee recently tabled a report that outlines the constitutional right of Parliament to demand information and how parliamentary supremacy triumphs over all laws. In a letter dated December 7, my colleague from Vancouver South, our defence critic, indicated very clearly that parliamentary supremacy does in fact triumph and that we should have access to the documents. This was not something written on the back of an envelope; it was a very detailed letter outlining our case. Let me quote from that letter, which states in regard to the relationship between the government and the House and its committees that:

The law of parliamentary privilege provides that this relationship operates unencumbered by legal constraints that might otherwise seem applicable.

Therefore, we need to have this information and to be able to judge for ourselves.

The member for Vancouver South goes on to outline the following:

Sections 37 to 38.16, CEA, do not provide that they apply to the House or its committees and therefore cannot be read as applying to Committee proceedings or overriding the Committee's exclusive authority with respect to its proceedings.

Finally, if that is not clear enough for members on the other side, though I know it is clear enough on this side, let me just add the following. In keeping with the principles of responsible government, no part of the responsibilities of government can, by law, be categorically excluded or removed from its constitutional accountability to the House and its committees. Otherwise it would soon become only partial accountability and perhaps, after some years, no accountability at all.

• (1310)

It would be very troublesome to me if the government were not accountable at all. We are very fortunate that in this country we have a very functional, lively, probing opposition. The function of the opposition, of all three parties in opposition, is to keep the government on its toes. We look at cases in some countries around the world where the opposition is viewed as more of a pain. I am sure that members of the government see us as a pain from time to time, but the right of this opposition is to keep members of the government on their toes.

The right to order the production of documents is a matter of law. That is what we asked. On November 25 we said that we wanted to see these documents, unfettered. Mr. Walsh, again, said that if the committee asks for information, it gets it. Unfortunately, it is now December 10 and we do not have that information. The government should be following the rules. It must provide the documents that are requested.

This is troubling. This morning a poll indicated that Canadians are quite troubled. We are not just talking on behalf of ourselves. Canadians get it. Canadians understand the importance of this issue and what it means for Canada internationally.

At a policy level, responsibility lies with the government. It is up to the government to provide the information. I am sure if my friends on the other side were over here, and I know this for a fact because I have sat over there, they would be howling and screaming that we were obstructing the ability of a committee to do its work. In fact, the government is obstructing. As the government, it knows that we do not have the access that we need.

Obviously, protecting the rights of the detainees was part of that resolution. In terms of NATO it is our international responsibility to do that. We cannot knowingly turn a blind eye. My great fear is that the government wants to turn a blind eye and move on. This is unacceptable.

One of the things we are doing in Afghanistan, working with the justice ministry and the Afghanistan Independent Human Rights Commission, is we are enhancing human rights. We are talking about and seeing the application of the rule of law. If we are no better than the Taliban, then we are not doing our job. In fact, we are much better. What we are doing is we are saying to the Afghan government that in order for it to deal with these kinds of issues, this is what it needs to know and this is how to apply it. When I was in Kandahar and Kabul I saw for myself the type of in-depth instructions that Afghan police and soldiers get.

Unfortunately, there have been abuses. Even one credible case, which we now have from back in June 2006, means there could be others. Until the other day, the government said there were none. It

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accused us of all sorts of things. The reality is that one is too many. Obviously that is of great concern and why we therefore need a public inquiry. Only a public inquiry headed by a judge will get to the bottom of this, because the judge will have the ability to get all of the information needed in order to conduct the inquiry.

We saw what happened to the Military Police Complaints Commission. That has been shut down. The government has called public inquiries on other things, but on something as fundamental to Canadians, fundamental in terms of human rights, fundamental in terms of the rule of law, the government is stonewalling and saying no.

After yesterday, I would suggest there are no more excuses. There are no more deceptions. There is no more stonewalling. We need it. In fact, there is a resolution which the New Democratic Party put forward and which we endorsed as a majority in this House calling for that.

I would suggest that we will not get the facts as long as the government continues to obstruct. Therefore, a public inquiry is needed. It is needed to clear the air, and it is certainly needed for Canadians.

• (1315)

**Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC):** Madam Speaker, the member opposite referred to an incident that happened in June 2006, under the rules governing transfers of prisoners that were put into place by the former government, his own government. Once there was an indication there could be a problem, the new government, the Conservative government, set to work right away to make a more robust set of rules. Indeed, yesterday, the Chief of the Defence Staff, upon learning that the situation was different, and it took him three years to get the truth, immediately ordered an investigation so that the chain of command would be able to far more quickly get the information that is required.

My question is, now that we have the more robust rules in place, and we are looking at why it took information so long to get up the chain, what is it that the member opposite hopes to accomplish in making these documents unredacted by the justice department public, that is, aside from making information public that may jeopardize the lives of our soldiers?

**Hon. Bryon Wilfert:** Madam Speaker, first, I would point out that the original agreement, which was signed back in December 2005 in the middle of the federal election, was confirmed by the generals who came before the committee and by David Mulroney, that in fact we did not know exactly what we were getting into and, therefore, when it became clear that things on the ground were worse than we expected, the government decided to enhance the agreement. Obviously there was a problem. If there was not a problem, why would it have to enhance the agreement? Clearly, there must have been issues on the ground that led the government to decide we had to have a more robust transfer agreement. That is the first thing.

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The second thing is the issue of security on the ground, or national security. They say that we are going to put our troops in jeopardy. Again, as Mr. Walsh and others have pointed out, there are ways to deal with that so that the information does not necessarily have to be out in the public domain. Nobody is suggesting it has to be out in the public domain. What we are suggesting is that as a committee, we need to have information. That information needs to be here.

I am sure the member would know that if there was a public inquiry, that information would be available. There are reporters who have it. The member does not seem to be too worried about that. There are generals and others who have reviewed it. Apparently, that is not a problem. Apparently it is a problem for elected members of Parliament to have it, who are supposed to be conducting an investigation, based on the resolution which the government supported in March 2008.

There was an enhanced agreement because obviously there are issues on the ground. The example that we saw yesterday and the comments from General Natynczyk underline that and why we need to get to the bottom of it.

• (1320)

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Madam Speaker, it is absolutely outrageous that duly elected members of Parliament on the committee cannot get access to these documents when reporters are getting access to them. It is unbelievable that would happen in a democracy such as this.

As the member said, there was no credible case until yesterday. I think the government was simply hoping and praying that the days would go by and it would get through Christmas without having yesterday's development. The Conservatives have been trying to hold on. They are involving themselves in crisis control. They are trying to hold on for two more days so they can get through the Christmas period and into January.

Earlier I asked a government member why members of Parliament were being denied documents and why the government leaked Colvin's memos to the media and why the government continued to obstruct the committee's request for documents. The member answered everything but; it was basically a filibuster to the question. He nibbled around the edges but never dealt with any part of those two questions that I asked him.

Would the member like to suggest why that would be?

**Hon. Bryon Wilfert:** Madam Speaker, the fact that the government member did not answer the questions, I think, speaks volumes. The reality is that we know the information is out there in the public domain and that certain individuals have that information. The fact is that when a reporter gets information and writes a story which is favourable, that obviously, in this case, is helping the government.

Again, we are not asking that this information be given to select members of the committee. It is for all members of the committee on the government side and our side. If we are going to do the job, we need to have that information.

I would point out to my colleague that the reason it is out there is that obviously certain people can be trusted, but apparently we

cannot. That means we are not able to do the job we have been entrusted to do by Canadians.

**Mr. Dave MacKenzie (Parliamentary Secretary to the Minister of Public Safety, CPC):** Madam Speaker, I have listened to my colleagues across the floor both in the House and in committee rail on and on about documents which they believe they should have had, or could have had, or might have had, and are concerned that they have not gotten them.

They have been so outspoken about this issue that I wonder if the other side is prepared to release all of the documents from the former government, from 2002 until it left office in 2006, to the committee, so that we can understand. Many of the issues that the Liberals have been bringing forward are in reports going back to the 1980s, 1990s and early 2000s, issues that they should have known about.

I would like to know how the Liberals made their decision to do very little for our troops.

**Hon. Bryon Wilfert:** Madam Speaker, we did not do very little for our troops. In fact the member may recall that in the 2005 budget, there was \$15 billion, the largest expenditure in Canadian history in peacetime.

• (1325)

**Mr. Laurie Hawn:** Just tell the truth.

**The Acting Speaker (Ms. Denise Savoie):** Order, please. The member for Richmond Hill has the floor. We would like to hear his answer.

**Hon. Bryon Wilfert:** Thank you, Madam Speaker. We have not become Zimbabwe yet. When somebody asks a question, I would assume it is only respectful to ask for some silence on the other side so we can give the answer. Otherwise, if the question is of no value, do not ask it.

The reality is that in 2005 we put \$15 billion into the military. At that time, General Hillier was given the responsibility of rebuilding the armed forces. As members know, we came through a very dark period of a \$42.5 billion deficit in which we had to make certain choices. When we had the money, we immediately put it into the armed forces, and that was in 2005.

The issue of the documents is that on November 25, the special committee asked for documents. The committee was very clear on what it wanted. The member was there and he knows that again, the government failed to produce the unedited version of the documents which we need. Whether they are of any value or not, we will not know unless we see the documents.

**Mr. Paul Szabo (Mississauga South, Lib.):** Madam Speaker, there is no question that Parliament has the constitutional right to call for persons, papers and records, and that authority is delegated to all our committees under Standing Order 108(1)(a).

Mr. Colvin had the documents. The generals also had the unredacted documents available to them when they testified. Did we ask the generals, and if not, why not?



It is a matter of when the request for the government to provide the documents was issued. The government indicated and the generals had indicated that there was no information in the redacted form that would indicate there was torture. That appears not to be the case.

Can the committee not ask the government again for the unredacted documents?

**Hon. Bryon Wilfert:** Madam Speaker, in fact there is a question of privilege because we have not received the documents. The reality is the information we need has been seen by others. The question of privilege is to deal with that issue in the House to get a ruling, because we cannot do our job if we do not have all the facts before us.

[Translation]

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Madam Speaker, I thank you for giving me the floor.

[English]

I am pleased to have the opportunity to take part in this important debate to discuss an issue that has been widely discussed in this place, in committee and certainly throughout the country. I should indicate that I will be sharing my time with the Parliamentary Secretary to the Minister of National Defence.

I am joining in the debate to state clearly, once again, that the disclosure of the documents that are sought, the government information and legal proceedings and what Canadians would receive, is done through a process that falls under the responsibility of the Department of Justice. It is a process that is independent from politics.

Earlier in the day we heard from the Minister of Justice. He stated in a very articulate and straightforward way the process by which redactions are done. He clearly indicated that it is non-partisan, independent public service in his department who make these determinations.

I also want to put on the record and restate that Canadians should understand that the reputation of the military is completely intact. There has been nothing done that would indicate they have acted other than honourably in conducting themselves on this mission, as they have consistently throughout our country's history.

Canadian men and women, civilian and military, have done an outstanding job. They have been working selflessly. As we speak they continue to do so in bringing security and peace efforts to improve Afghanistan, a country that has been under siege for decades. They do so at great risk to themselves and their families. Certainly at this time of year our thoughts and prayers are with them in that regard.

While they are putting their lives on the line along with colleagues from 60 other nations, including our NATO partners, they are doing so to help people build Afghanistan to a stable society and democratic country. This is a Herculean task. It is a country where we want to see Afghans one day have a semblance of normal life; that is, to enjoy some of the same rights and privileges we are so

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lucky and fortunate to enjoy in Canada: stability, education, basic health care, employment and the prospect of a better future.

Through our whole of government mission, the least the government can do is to make sure our dedicated men and women in uniform and the many civilians who are there building that country can do their difficult work as safely as possible. That means providing the right protective equipment. That is something our government had prided itself on. We have provided that equipment: tanks, helicopters; UAVs; and road clearance materials to detect the deadly improvised explosive devices, or IEDs, which have taken so many lives.

I met a young captain on the elevator at the Department of National Defence this morning. He told me that he and his crew had defused or disabled over 800 of these devices in the past month. There is incredible heroic work being done, and it has surely saved and preserved life inside Afghanistan.

The Government of Canada has a fundamental obligation to ensure that the lives of civilians and Canadian Forces personnel in Afghanistan are not put in further jeopardy or given additional risk by releasing information that may be part of operational security or affect relations with our allies, international organizations, or confidential sources who often provide us with information to help prevent enemy attacks. The government's primary obligation is to protect and promote the lives of its citizens, including our men and women who are deployed.

Special care is also being taken to avoid a situation by a careful review of thousands of documents, pages of which might contain information that could be helpful to the enemy. Governments should do this with the greatest care and responsibility. It is done by officials who are specially trained with an eye to that detail, and it is done independent of the political branch of government.

As I have stated before, section 38 of the Canada Evidence Act applies to all proceedings before bodies with the power to compel the production of information where international relations, national defence or national security interests would be at risk. We will continue to provide all legally available information when issues come forward and when documents are requested. We have produced documents, and we will do so, in accordance with the law.

● (1330)

[Translation]

Provisions of legislation such as the Canada Evidence Act, the Access to Information Act, the Personal Information Protection Act and the Security of Information Act, which Parliament passed in order to prevent public disclosure of information that is sensitive or would affect national security, are justified.

In fact, these laws protect the security of our country, and the security of Canadian citizens and our representatives as well as members of the Canadian Forces who work in dangerous places in order to put our values into practice. All members will certainly agree on the importance of the protections afforded. That is why certain parliamentary conventions acknowledge that they are necessary.

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[English]

When one looks at the legal aspects of this, certainly our courts understand the importance of such protections.

To place this argument in a better context, to take it out of the parliamentary and sometimes partisan atmosphere we work in, let me share a quote from the Federal Court case of *Singh v. Attorney General*. In this case, Mr. Justice Andrew MacKay, no relation, stated:

Canada's international relations, in particular relations with our allies, rely on the exchange of information for common benefit. There is a public interest in maintaining the confidence of foreign governments so that Canada's agencies, particularly those concerned with security, will continue to receive timely information from others that may be relevant to Canada's interests. Confidential information, by definition, is information that is passed along in confidence that it will not be disclosed without the permission of the provider or the source. If Canada does not enjoy the confidence of its allies, our international relations and security may well suffer. The public has a very high level interest in maintaining that confidence.

Mr. Justice MacKay went on to say with respect to national security:

To effectively provide a defence against terrorism and to participate in a global effort to constrain it, it is imperative for Canada to maintain as highly confidential the investigational interests of our security services, the sources of their information, the technologies and techniques they employ, the identities of their employees and particularly their informants. Canada's security agencies must maintain the confidences and the cooperation of foreign agencies that have shared confidential information with our services in the expectation that it would not be divulged. The public interest served by maintaining secrecy in the national security context is weighty. In the balancing of public interests here at play, that interest would only be outweighed in a clear and compelling case for disclosure.

Every clear-thinking member of the House, certainly those who have served in cabinet and even now in opposition, must surely agree with those sentiments.

Another clear example is the case as recent as October of this year, when Chief Justice Allan Lufy of the Federal Court ruled on an access to information request. The applicant sought specific information related to persons detained by Canadian Forces in Afghanistan: their names, identification numbers, operational detail, circumstances of capture and the like. The Chief Justice stated:

I find that the information in issue...including the nature of the operations and the location, date, time and other circumstances surrounding the capture of the detainees. On the record before me, I am satisfied that the disclosure of this information in 2007 could have been of assistance to the enemy of the CF in Afghanistan, could have caused harm to members of the CF and others in that country and could reasonably have been expected to be injurious to the defence of Canada or its allies within the meaning of s. 15 of the Act. The determination made in 2007 by National Defence not to disclose this information was made on reasonable grounds.

This is partial advice from our courts, and it is additional information that should be recognized and taken into consideration in this debate. As parliamentarians, we must recognize our responsibilities and the necessity of safeguarding sensitive information.

The process under section 38 of the Evidence Act serves as a useful surrogate to identify information that should not be disclosed. Simply put, there is no mechanism to ensure the protection of information that is injurious to our national security, national defence, international relations, and information disclosed in the committee context.

This is why we will continue to follow the process. The law is in place to ensure first and foremost the security of our men and women in uniform and civilians serving so valiantly in Afghanistan and other places around the world. I would hope that members would take this matter seriously and not pass this motion, in the interest of their lives and the lives of their families.

• (1335)

**Hon. Ujjal Dosanjh (Vancouver South, Lib.):** Madam Speaker, I do not believe the minister was referring to Parliament seeking information in that last case; it must have been an institutional organization other than Parliament.

Parliament is in a class by itself. Parliament is not an ordinary entity. It is not an entity like any other organization. The same concerns cannot be expressed about parliamentary committees or Parliament itself. Parliament is absolutely supreme. It is the body that ultimately oversees the work of the government.

I have a question for the minister. It is with respect to the redacted field notes that were given to the B.C. Civil Liberties Association, or other organizations, in the specific case that General Natynczyk referred to yesterday. I understand that from those field notes there is information with respect to the detainee being abused and other detainees being abused. The now released documents indicate that the field notes refer to abuse having happened many times before.

Can the minister tell us whether General Natynczyk could say yesterday that the release of that information would not have harmed Canadian soldiers or troops? Can the minister now say that the redaction was appropriate when it was done?

**Hon. Peter MacKay:** Madam Speaker, I do not know whether the hon. member was in the chamber, but I know that even having served in cabinet he refuses to accept the reality that it is arm's-length, independent persons within the Attorney General's department who make these redactions. To suggest that it is politicized is simply incorrect.

However, to come back to the fundamental issue as to Parliament's supremacy, clearly the government is going to follow the law, and the law as we all know is passed by Parliament. That is political science 101.

Clearly we are complying with the law, in fact we are complying with the law that was enhanced around issues of security by the government of the member opposite. In the wake of 9/11, there were improvements made to the Canada Evidence Act, including section 38. They were specifically designed to protect the things that have been the subject of this discussion: protecting confidential information, ensuring operational security, ensuring we are enabled to protect that information.

**An hon. member:** That is nonsense.

**Hon. Peter MacKay:** As far as the hon. member who is now tweeting orally in the chamber, we know he has a record of having tweeted in committee. It is quite shameful that the member would suggest that information is impeccably protected in committees when he is guilty of having leaked information that could have been injurious.

• (1340)

**Mr. Jack Harris (St. John's East, NDP):** Madam Speaker, if we accept what the defence minister says, that these redactions are being carried out by independent arm's-length people in various departments, are we to suggest that they have supremacy over Parliament? Is that the minister's suggestion, that independent people have supremacy over Parliament?

In fact the same people are doing redactions for the documents that go to the MPCC, and its counsel, who are also independent and arm's-length, are questioning the redactions and saying they are unnecessary. Even a cursory examination would suggest that the redactions are unnecessarily broad. They spent 14 pages detailing why they were going too far in taking things out. Are they the kind of people the minister is suggesting are supreme over Parliament?

**Hon. Peter MacKay:** Madam Speaker, even the tone of the hon. member's question is quite offensive. The member is now suggesting that those people, those non-partisan public servants who are doing this important work, are somehow unworthy or unable to do this important task. This is exactly what they are trained to do.

I know the hon. member and his party do not support the mission. They have a very questionable record of having supported attempts that this government has made to improve the security of our men and women in uniform. He and his party have consistently voted against giving them the protective equipment they need to do the job. The member shows such courage 12,000 miles from the mission, in the comforts of this place. He should take off his comfortable shoes and walk a mile in the soldiers' boots, outside the wire.

**Mr. Laurie Hawn (Parliamentary Secretary to the Minister of National Defence, CPC):** Madam Speaker, it will come as no surprise that I cannot support the motion before House today.

There is a good reason why the government has taken the measures it has with regard to documents, and that is safety, the safety of our men and women in uniform, their civilian colleagues, other government agencies and departments as well as the protection of our partners and allies. Unfortunately, it may be too easy to demand the provision of written documents as if their disclosure had no impact beyond these chambers.

The Canadian Forces, working alongside over 60 other nations and international organizations as part of the UN mandated NATO-led mission, are playing a leadership role in delivering real results as an integral part of Canada's whole-of-government team in Afghanistan.

Several years ago, when our troops first deployed to Afghanistan, we knew there would be many challenges. After all, Afghanistan had suffered decades of war and misrule. The government lacked the capacity to deliver the most basic service. Still today the insurgency remains ruthless. The Taliban attacks with roadside bombs, vehicle bombs, suicide bombs. They threaten, they intimidate, and the results can be devastating. Sadly, we have paid a heavy price for progress in Afghanistan.

To date, Canada has lost 133 selfless men and women in uniform, one diplomat and two aid workers. Our injured and fallen came from places like Mill Cove, Montreal, Fredericton, Conception Bay, Thunder Bay, Victoria, Iqaluit and Edmonton. They made a

### *Business of Supply*

substantial differences in places like Panjwaii, Daman, Spin Boldak, Ghorak, Khakrez and Kandahar City.

They left behind a legacy of hope and confidence for the Afghan people, a legacy held high by our more than 2,800 men and women still serving in theatre. It is their valour, their dedication and their selflessness that really make a difference. That has established and reinforced the reputation of our Canadian Forces as one of the best militaries in the world.

We hold them to the highest standards of professional conduct and, through their blood, sweat and tears, they never let us down. In Afghanistan they are defending the basic values we all believe in and stand for day in and day out in this very chamber, things like freedom, democracy, rule of law, values that generations of Canadians who have proudly worn the maple leaf have fought and died for.

Despite the dangers, the devotion of our men and women in uniform has allowed us to deliver on our pledge to the international community, on our promise to the Afghan people. We are offering them dignity, security and justice and a better future.

The Canadian Forces are providing the essential protection that is fundamental to creating the secure environment necessary for governance, humanitarian development and the training of a military and police force to occur. We are partnering with Afghans to do so because it is their country.

It has been clear from the start that a well-trained, well-equipped Afghan National Security Force is essential if the Afghan government is to assume increasing responsibility for its own security and development. Thanks to the Canadian Forces, the Afghan National Security Forces are growing. They are growing in confidence, in capacity and in capability.

We have seen some of our greatest success through our operational mentoring and liaison team. Currently Canadian men and women in uniform in our OMLT are mentoring five Afghan army battalions and their headquarters. We also have civilian and military police trainers and mentors supporting the Afghan National Police reform.

From a fledgling force a few years ago, ill-equipped and lacking proper training, the Afghan National Army has, with the support of the Canadian Forces, matured into a credible force. The progress it has made is impressive. Afghan forces are now conducting more than two-thirds of the combat operations in and around Kandahar City.

Progress is empowering Afghans. It is allowing them to move beyond ongoing security concerns to rebuild their schools, their roads and their sense of pride in their country. While progress may appear slow, it is taking hold and touching the lives of Afghans every day.

The ultimate goal is to help create a better governed, more peaceful and more secure Afghanistan for Afghans, a goal that the Canadian Forces, indeed the entire whole-of-government effort, is helping to make a reality.

That leads me to our responsibility back here at home.

*Business of Supply*

First, contrary to a couple of comments across the floor earlier today, this government did not leak any documents to any media. The Government of Canada has an obligation and a moral duty to see that the lives of Canadian Forces personnel in Afghanistan are not put at additional risk by the release of information that may be of an operational security nature. We are required by law to protect sensitive information relating to international relations, national defence or national security, whether in written or oral form.

I am sure you can agree, Madam Speaker, that this is not about politics. It is about protecting Canadian lives. It is about protecting the lives of our partners and allies. It is about protecting the relationships with our partners in Afghanistan, which are so crucial in helping us conduct our mission.

● (1345)

The responsibility of protecting or disclosing sensitive information lies with independent, non-partisan public servants. It is these public servants who review suggested redactions provided by the respective departments. It is their duty to balance the public interest in disclosure against the public interest in non-disclosure, and there is no political interference in this process.

In the end, we are working to preserve hard won trust and respect of our allies and we are ensuring that good people's lives are not put at additional risk by the potential release of information that may be of a sensitive nature.

What if irresponsible actions of the House make us fail in that duty? We need to think about that. Canadian soldiers, civilians, Afghans working for us, some of them in the most perilous situations, and translators. Afghans who translate for us are the most endangered people in the entire country.

We can be sure that al-Qaeda and the Taliban are listening in to what is going on in Canada every day. They are probably listening in today. They may be murderers and terrorists, but they are not stupid and they do know how to conduct operations. They are paying attention.

If we violate the trust of our own men and women in uniform and our allies and the people who count on us, who will ever trust us again? If our Canadian soldiers or the people who trust us die because we have divulged information or because we cannot get information from organizations like the Red Cross or others to protect them, then I hope the folks across the way would stand up and take credit for that.

I know Canadians understand the great sacrifice and commitment of our forces in Afghanistan, the noble work they do to solidify our vision of Canada that holds its own on the international stage and the fact that our armed forces are one of the best and most respected in the world.

We have every reason to be proud of the role our troops are playing in routing the insurgency and planting the seeds of development and good governance, the seeds for a positive Afghan future.

After all they have sacrificed and achieved for Canada, our brave men and women deserve our continued vigilance so they can continue to accomplish the goals that we have set for them.

We are embarking on a very dangerous process today. I spent 31 years in regular force uniform and another 5 years as an honorary colonel. I can tell the House that the men and women of the Canadian Forces do know who their friends are in this Parliament. It is the people on this side of the floor because I speak to them every day. I do not expect—

● (1350)

**Mr. Derek Lee:** Find another way to say it. You're not the only game in this town. You never were. You're not going to be.

**An hon. member:** That's using the troops as a prop.

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

**The Acting Speaker (Ms. Denise Savoie):** Order, please. I would like to call the House to order. The hon. member for Scarborough—Rouge River will have to leave the House if he cannot maintain decorum.

In the interest of Canadians and the public interest I think all members of the House would like to debate facts honourably and respectfully. I would ask all members to remember that as they speak and as they listen.

The hon. parliamentary secretary has two minutes left.

**Mr. Laurie Hawn:** Madam Speaker, all I can do is repeat what people tell me.

We are embarking on a dangerous process here today, one that if we are not careful will endanger the lives of Canadian men and women and the lives of the people who depend on us, who depend on us for their freedom, people like the people of Afghanistan, people like the Afghans who have worked with us with great courage to make their country better.

We cannot afford to let them down by playing politics in this place. I do not frankly expect all that much from the two parties further to my right. I have no doubt they have great affection and care for soldiers as individuals, but they have not shown any regard for the institution of the Canadian Forces.

I do expect better from the Liberal Party of Canada. Liberals and Conservatives over the years throughout history, when it comes to the big ticket items of national unity and doing the right thing on the international stage, have always spoken with the same voice. That is the voice of freedom, it is the voice of courage, it is the voice of doing the right thing for Canadian men and women here and abroad, people like the people of Holland in 1944-45, whom I spent time with this summer, and certainly the people of Afghanistan in that region who count on us.

I urge members to take our responsibility to those people and our people seriously. Do not pass this motion. It is very dangerous. It will harm Canadians and harm our allies.

**Hon. Shawn Murphy (Charlottetown, Lib.):** Madam Speaker, the member across has talked a lot about the brave men and women who are in Afghanistan, and I agree with what he has said. However, they are there for certain purposes, to protect the values that are near and dear to us, values such as democracy, our Constitution and the rule of law.

One of the linchpins that is in our Constitution is the right of Parliament, the right of this institution, to send for persons, papers and records. That is as old as Parliament itself.

The Speaker gave a very clear ruling this morning that this cannot be lessened or affected by statute law. That is exactly what that member and the Minister of National Defence have been arguing for the last six months.

We have a legal opinion from the parliamentary law counsel. We have a second legal opinion. Also disclosed this morning was that the Department of Justice has the very same view.

Why, in light of the advice from the Minister of Justice, the Speaker and the parliamentary legal counsel, is he continuing to argue that—

● (1355)

**The Acting Speaker (Ms. Denise Savoie):** The hon. Parliamentary Secretary to the Minister of National Defence.

**Mr. Laurie Hawn:** Madam Speaker, I never mentioned section 38. What I mentioned was responsibility for doing the right thing for Canadian men and women, the people who count on us to do the right thing for them.

What I was talking about was the responsibility not to divulge information in the House or insist on information being brought to the House which, frankly, would be put at risk by being exposed to as many people and avenues for leakage as it would in the House. We have already seen leakage from committees. We have seen twittering.

It is not in Canada's best interest to have unfettered access to all information in the House. That is simply irresponsible. It is dangerous to the Canadian men and women. It is dangerous to our allies. It is dangerous to Canada's reputation as a strong partner in the world today.

**Mr. Paul Dewar (Ottawa Centre, NDP):** Mr. Speaker, one thing that is important is that Parliament gets all the facts.

Earlier the parliamentary secretary, in questions and answers, asked if we were concerned about one of the prisoners being hit by a shoe. We know the evidence brought forward by the Chief of Defence Staff yesterday. One of our soldiers was able to save one of the prisoners from going to torture.

Does the parliamentary secretary believe in the evidence that was provided by one of our soldiers about torture, or does he think the detainee was just being hit by a shoe as if it was some commonplace thing? Does he believe our soldiers or does he believe his own rhetoric?

**Mr. Laurie Hawn:** Mr. Speaker, of course we believe the Chief of the Defence Staff. He speaks with credibility and integrity. When he gave information to the defence committee on Tuesday, it turned out he made an error in that statement. He corrected that yesterday.

The simple facts are the one case he talked about was the fact that an Afghan detainee was hit by a shoe by the Afghan National Police. The Canadian Forces did the right thing. They rescued him, cleaned up and turned him over to more reliable people to look after him.

### *Business of Supply*

Of course we believe the military. The Chief of the Defence Staff, when he corrects information, we believe him. He is operating with the best information possible, just as we are, just as we have always done. Every time we have had proper information, we have acted, have made things better and we will continue to do that.

**The Speaker:** Order, please. Pursuant to order made Monday, December 7, the House will now resolve itself in committee of the whole to welcome torchbearers carrying the Olympic flame.

[Translation]

I do now leave the chair for the House to resolve itself into committee of the whole.

\* \* \*

● (1400)

[English]

### OLYMPIC FLAME TORCHBEARERS

(House in committee of the whole to welcome Olympic flame torchbearers, Mr. Peter Milliken in the chair)

**The Speaker:** Order. I would like to draw to the attention of all hon. members the presence in the gallery of some of our Canadian Olympic and Paralympic champions: Alexandra Orlando, Angus Mortimer, James Cartwright, Sarah Boudens, Jason Dunkerley, Chelsea Larivière, Karen Cockburn, Curt Harnett, Don Jackson, Sue Holloway, and Alex Baumann.

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

[Translation]

**The Speaker:** Order, please.

I also have the pleasure to announce that, for the first time in the history of Canada and of the Olympic Games, in just a few moments, Parliament will welcome the Olympic flame.

The flame was lit on October 22 at the ruins of Olympia in Greece, the ancestral home of the Games. At the original Olympic Stadium in Athens, the flame was handed over to Canadian Olympic organizers.

[English]

Since touching Canadian ground in Victoria, British Columbia, on October 30, the Olympic flame has visited many communities across our country. By the end of the relay, it will have covered 45,000 kilometres and touched every Canadian coast and most communities.

Today, we are proud to welcome the Olympic flame and torch here in the House of Commons.

Carrying the Vancouver 2010 Olympic torch is 1948 St. Moritz Olympic gold medal figure skating champion Ms. Barbara Ann Scott.

Accompanying Ms. Scott is the attendant to the flame, Mr. Martie Wyse, from Snuneymuxw First Nation in Nanaimo, British Columbia, and Mr. John Furlong, Chief Executive Officer for the Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games.

I now invite them to enter the House.

*Statements by Members*

[*And the Olympic torchbearer having entered the chamber:*]

[*Translation*]

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

**The Speaker:** From here, the flame will continue its journey across the country, and on February 12, it will arrive at BC Place Stadium.

[*English*]

On behalf of all members, I offer the Vancouver Organizing Committee our sincere congratulations in these final weeks before the arrival of the world's finest athletes in British Columbia, and our best wishes to our Canadian athletes for success at the 21st Winter Olympic Games, Canada's games.

Thank you very much for being here.

Pursuant to order made on Monday, December 7, the House will now proceed to statements by members.

## STATEMENTS BY MEMBERS

● (1405)

[*English*]

### FIREFIGHTERS

**Mrs. Tilly O'Neill-Gordon (Miramichi, CPC):** Mr. Speaker, I rise in the House today to pay tribute to Charles and William Delanoe.

Fifty years ago on December 16, brothers Charles and William Delanoe of Miramichi, New Brunswick, two volunteer firemen, were killed and two others were badly injured when an explosion from within a blazing two-storey concrete building sent most of the front wall hurtling down on them. Both brothers had been active volunteer firefighters for 15 years.

I wish to take this opportunity to remember the fallen firefighters and pay tribute to all the firefighters who put their lives on the line.

Every Christmas, firefighters across this country encourage people to think about fire safety in their homes. May we all have a safe and merry Christmas.

\* \* \*

### INFRASTRUCTURE

**Hon. Judy Sgro (York West, Lib.):** Mr. Speaker, much has been made about the need for a greater degree of physical activity among our youth. If we are to fend off higher instances of heart disease and diabetes, doctors know that our children must set aside video games and fatty foods in favour of a healthier, more active lifestyle.

In the city of Toronto, ice time availability has become an issue of growing concern. As the popularity of girl's hockey increases, coupled with the already large numbers enrolled in boy's and recreational hockey, teams are finding it increasingly difficult to get on the ice.

Despite the rhetoric espoused by the government, it has not been there for the young hockey players in my city. It has been a

generation since a new arena has been built in Toronto and the population growth has outstripped ice time availability.

People are wondering why the Prime Minister saw fit to spend millions on partisan advertising but failed to expand Toronto's arenas. By continuing to put its own needs ahead of others, the government is skating on very thin ice.

\* \* \*

[*Translation*]

### OLYMPIC FLAME IN OTTAWA

**Mr. Pascal-Pierre Paillé (Louis-Hébert, BQ):** Mr. Speaker, the Olympic flame, the symbol of the Olympic ideal, is on Parliament Hill today. The torch relay, an Olympic Games tradition, represents peace, fraternity and light.

The Bloc Québécois would like to take this opportunity to reiterate its support for the many athletes who, through their perseverance, strength and determination, will be taking part in the 21st Winter Olympic Games.

We would also like to express our support for the letter some of them have written to the Prime Minister to urge him to adopt an ambitious and "aggressive" plan to fight climate change. Global warming is a threat to winter sports.

Best of luck to all the athletes at the Vancouver Olympic Games.

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● (1410)

[*English*]

### COMMUNITY THEATRE

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP):** Mr. Speaker, I rise in the House to pay tribute to Sharon Sproule who is a founding member of the Espanola Little Theatre which celebrated its 50th anniversary this year.

Sharon is a celebrated actress, having won regional, provincial and international awards for her stage work. She has been a long-serving executive member of the Espanola Little Theatre, Quonta, and was elected to the theatre Ontario board.

With all her accomplishments, it is little wonder she has been named to the wall of fame in Espanola, was a recipient of the Governor General's 125th anniversary commemorative medal, received the theatre Ontario Michael Spence award, was the 1997 Espanola citizen of the year, and was named one of Canada's 100 remarkable women by *Chatelaine* magazine in 2004.

It is clear that Espanola and northern Ontario are richer for Sharon's contributions and that she deserves the many accolades that have come her way.

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### WORLD MASTERS GAMES

**Mr. Devinder Shory (Calgary Northeast, CPC):** Mr. Speaker, I am proud to stand here to recognize the outstanding achievement of my constituent, Gurpreet Mann of Calgary Northeast.

In October 2009, a new Canadian, Mr. Mann represented Canada in shot put at the world masters games in Australia as one of 260 team Canada members. Inspired by his family and friends, Mr. Mann earned a silver medal for Canada after competing with over 20 athletes.

On behalf of my family, my constituents, and the whole South Asian community, I congratulate Mr. Mann on his remarkable achievement. I also thank team Canada for being a hard-working and humble inspiration to all Canadians as we prepare for the exciting 2010 Vancouver Olympics.

I now invite all members of this House to join me in applauding Gurpreet Mann and team Canada for their hard work and excellent sportsmanship in representing Canada on the international stage.

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#### HALIFAX HERALD LIMITED

**Hon. Geoff Regan (Halifax West, Lib.):** Mr. Speaker, the Halifax Herald has kept Nova Scotians well informed for generations. This family-owned newspaper has been a champion for our business community and a voice of the people.

Recently, Sarah Dennis became president and CEO of Halifax Herald Limited and I cannot think of a better person to fill this position.

Sarah's dedication to the paper and to maintaining an independent voice are to be applauded. I wish her and the Herald every success, and I invite colleagues to join me.

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#### CHRISTMAS

**Mrs. Nina Grewal (Fleetwood—Port Kells, CPC):** Mr. Speaker, Canadians are getting ready for the Christmas festivities. It is time for generosity, giving, and helping the less fortunate.

However, the spirit of the season is often bruised by unnecessary political correctness: attempts are made to ban nativity scenes; holiday trees replace Christmas trees; the 12 days of giving replace the 12 days of Christmas; and reference to God, Christ and the Lord are cast aside, leaving us with just a meaningless, consumer-oriented holiday.

I am a Sikh and I am not offended when Christians celebrate Christmas. Rather, I wish my Christian friends a Merry Christmas and they wish me a Happy Gurpurb or a Happy Vaisakhi.

Cultural tolerance or ethnic equality should never mean diluting someone's faith. It is time we move from tolerance to acceptance. We should accept and respect each others beliefs.

Let us not deprive Christians of Christianity. Let us all celebrate it.

So, merry Christmas to everyone.

#### Statements by Members

[Translation]

#### INTERNATIONAL HUMAN RIGHTS DAY

**Ms. Christiane Gagnon (Québec, BQ):** Mr. Speaker, the chief of defence staff admitted that there has been at least one case of torture involving an Afghan detainee, which is a violation of the Geneva convention concerning the treatment of detainees, yet the government still denies responsibility.

The Conservative government is withholding funding from organizations like KAIROS, which promote human rights in the field. For ideological reasons, the Prime Minister plans to duplicate the work of organizations promoting democracy and good governance. We are hearing about more and more cases involving Canadian citizens, such as child soldier Omar Khadr and Nathalie Morin, whose rights have been trampled on by their own government. These are all reasons why, on this International Human Rights Day, we, the members of the Bloc Québécois, wish to reiterate our determination to put pressure on the government to restore its own credibility here at home and around the world by keeping its promises.

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● (1415)

#### ECONOMIC ACTION PLAN

**Mr. Steven Blaney (Lévis—Bellechasse, CPC):** Mr. Speaker, the Conservative government's implementation of our remarkable economic action plan proves to what extent we continue to take initiative and listen to the concerns of the people of Quebec.

Again yesterday, we saw the Bloc members express their indignation. Yet the Bloc leader and Bloc members stayed seated in this House throughout the fall, instead of standing up for Quebecers, which is what the Conservative members have been doing.

All Canadians are calling for action. That is why we are working for the communities, businesses and workers affected by the global economic downturn. The effects are positive and encouraging. Canada's economy is stabilizing and has started to recover. We will forge ahead. Our economic action plan is helping many sectors, and ensuring that Quebec and Canada emerge from the current crisis stronger than ever.

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[English]

#### OLYMPIC WINTER GAMES

**Ms. Joyce Murray (Vancouver Quadra, Lib.):** Mr. Speaker, members of Parliament from across Canada were proud to witness the historic occasion of the first ever Olympic flame in the House of Commons. The Olympic flame has a sacred history and symbolizes principles of peace, friendship and respect.

In less than 65 days, visitors from around the world will flock to Vancouver for the experience of a lifetime. After years of hard work by athletes and so many others, Canadians will unite to celebrate sport and excellence at the 2010 Winter Olympic and Paralympic Games.

### *Statements by Members*

The journey to the Olympics started 12 years ago, when the Chrétien Liberal government worked with successive B.C. governments to design a successful 2010 bid and games.

Congratulations to all who have worked so hard in preparation for this historic event.

I particularly salute the courage and dedication of the disabled young people who have worked their way to becoming world-class elite athletes and Paralympians because they, in the words of Winston Churchill, “never, never, never gave up”.

I encourage every Canadian to attend or to tune in to Olympic and Paralympic events and cheer our athletes on.

Go for the gold, Canada.

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### **AUTOMOTIVE INDUSTRY**

**Mr. Dave MacKenzie (Oxford, CPC):** Mr. Speaker, it was this Conservative government that took action to preserve Canada's share of the North American auto industry.

We provided \$700 million to the accounts receivable insurance program for auto parts suppliers; \$250 million to the automotive innovation fund for research and development; and \$12 billion to the Canadian secured credit facility to improve credit access for consumers to purchase and lease new vehicles

Because of these actions, we see a bright future for the auto industry. Statistics Canada tells us that 52,000 jobs have been saved as a direct result of our efforts.

Add another 800 jobs to that total. Today, Toyota announced that it will hire 800 workers at its automotive assembly plant in Woodstock. It is a major shot in the arm for Woodstock and a boost to my riding of Oxford.

I invite the House to join me in applauding the efforts of our government and the Minister of Industry in supporting Canada's auto industry.

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[Translation]

### **ED LEVERT**

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Mr. Speaker, I would like to pay tribute today to Ed Levert, a great man who passed away on December 6. Mr. Levert came to Bathurst from Sudbury in 1966 to organize the union at the Nigadoo mine. He had a lifelong passion for the union movement and served as an organizer and staff representative for the steelworkers until he retired.

He also helped establish New Brunswick's current workplace safety and workers' compensation standards and, after his retirement, became a defender of injured workers. Until quite recently, Mr. Levert was president of the New Brunswick Seniors' Council and an activist for seniors' rights. I had the chance to get to know Mr. Levert when I worked at the mine. He always worked to help those who were in need. He was very much admired, and the people of Acadie—Bathurst will remember his many achievements for a long time to come.

On behalf of the NDP, I would like to express my sincere sympathies to his wife, Jackie, and his children.

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[English]

### **JUSTICE**

**Mr. Ed Fast (Abbotsford, CPC):** Mr. Speaker, last night, the Liberal leader's unelected senators gave drug dealers an early Christmas present. Canadians were shocked to learn that Liberal senators had gutted a bill that imposes tougher sentences on criminals who operate marijuana grow ops and who sell drugs to our children.

In doing so, these Liberals defied the will of this democratically elected House. What is just as shocking is that the NDP MPs had earlier voted to oppose any tougher sentences on the most dangerous and violent drug dealers in the country. Canadians have been demanding stiffer prison sentences for those who sell drugs to our children and who use violence while profiting from drug crime, yet the Liberal leader refuses to listen. We have called upon him to control his senators, but he refuses to act.

Yet again the Liberals have shown that they cannot be trusted to protect Canadians. Yet again the Liberal leader has shown that he is not in it for Canadians; he is just in it for himself.

\* \* \*

• (1420)

[Translation]

### **NATIONAL CAPITAL COMMISSION**

**Mr. Richard Nadeau (Gatineau, BQ):** Mr. Speaker, yesterday in committee, the Conservatives and the NDP showed us once again that recognizing the Quebec nation means nothing at all to them.

The Conservatives and the NDP opposed the proposal that the National Capital Commission consult the Government of Quebec on developing a master plan for the federal capital region, leaving everything to unelected officials. They are refusing to recognize the Government of Quebec's prerogative to manage its own territory. They are refusing to recognize that the Quebec nation has the right to choose what is best for itself. Countless times, Quebec has criticized the NCC's intervention in the Outaouais and the impact of its decisions, which far too often are made without any sort of consultation process.

Like the Conservatives, the NDP is showing us that recognizing the Quebec nation is nothing more than empty words.

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### **HUMAN RIGHTS DAY**

**Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.):** Mr. Speaker, today, December 10, is Human Rights Day.



“All human beings are born free and equal in dignity and rights.” These famous few words established the fundamental principle of international human rights law 60 years ago.

[English]

Yet today, the fight against discrimination remains a daily struggle for millions around the globe. Every one of us can make a difference, like our leader, who introduced Bill C-471 and said that equal pay for work of equal value is a basic human right that should never be subject to negotiation.

[Translation]

We must be united in the fight to end discrimination.

[English]

Liberals, like our leader, are in it for all Canadians and in it to end discrimination.

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### GOVERNMENT POLICIES

**Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC):** Mr. Speaker, in 2009, our government set out a bold economic action plan to help combat the global downturn. This spurred infrastructure projects across the country. We reduced taxes on families and businesses and implemented measures such as the home renovation tax credit and the first time home buyers' tax credit. We did all of this while the Liberal leader hoped the economy would get worse. However, we should not be surprised, as this was the trend all year long.

We worked for Canadians while the Liberal leader worked for an unnecessary election. We improved infrastructure while the Liberal leader complained about signs. We got tough on crime and the Liberal leader hid behind his senators. We stood up for the Canadian armed forces while the Liberal leader politicized their mission and fundraised off their backs.

The lesson in 2009 is clear: The Liberal leader is simply not in it for Canadians.

## ORAL QUESTIONS

[Translation]

### AFGHANISTAN

**Mr. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, for over a year, there were credible reports of torture in Afghanistan, and this government did nothing.

They were wilfully blind for a year, and the Prime Minister is responsible.

When will he take responsibility? Why is he still refusing to create an independent judicial public inquiry?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, it is perfectly clear that the Canadian Forces and the Department of Foreign Affairs took the necessary action four years ago and three years ago.

### Oral Questions

Two and a half years ago, the Minister of Foreign Affairs negotiated a brand new agreement with the Government of Afghanistan.

**Mr. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, what do they have to hide? They covered up the evidence. They intimidated witnesses. They tarnished the reputations of government officials. They censored documents. This morning, in the House, the government even tried to prevent Parliament from debating this issue.

The Prime Minister is responsible for this behaviour. What does he have to hide?

• (1425)

**Right Hon. Stephen Harper (Prime Minister, CPC):** Nothing, Mr. Speaker.

The Leader of the Opposition has no proof to back up these allegations against the Canadian Forces. He should admit that.

[English]

**Mr. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, there are no allegations against Canadian Forces. It is the conduct of the government that is in question. The government has withheld evidence, it has intimidated witnesses, it has censored documents. This morning it even tried to prevent Parliament from debating the issue.

The Prime Minister is responsible for this conduct. He is responsible for a year of wilful blindness. What does he have to hide?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Once again, Mr. Speaker, the reason the Leader of the Opposition now tries to say he does not point the finger at the Canadian Forces and diplomats is, of course, because they have always respected their obligations. These people have been operating in extremely difficult conditions in Afghanistan. Whenever they have been faced with difficulties, they have taken the appropriate action.

Systems have been changed two, three, four years ago. This issue has long since been dealt with.

**Hon. Ujjal Dosanjh (Vancouver South, Lib.):** Mr. Speaker, the government cannot claim that it only just learned about the specific incident of detainee abuse from General Natynczyk yesterday. Colonel Noonan's affidavit of 2007 and General Deschamp's testimony under oath in 2008 were both in the public domain while the government chose to ignore them and stymied the work of the Military Police Complaints Commission.

Now that we know that detainee abuse actually took place, not just once but many times as per the field notes, will the government now provide the committee with uncensored documents and call a public inquiry forthwith?

*Oral Questions*

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, I think it is clear to everyone, including the member opposite, that General Natynczyk acted properly by correcting a certain point yesterday, as the Canadian Forces have on each and every occasion. When there has been credible evidence, we have acted. Our diplomats and soldiers continue to perform marvellously in a theatre and a difficult operation. This government stands four-square behind them. I ask the member opposite to do the same.

**Hon. Ujjal Dosanjh (Vancouver South, Lib.):** Mr. Speaker, hiding behind the uniform of brave men and women is the last refuge of any—I will not use that word.

The government is not the sole protector of national security. Parliament can protect the national interest as well, if not better. The parliamentary law clerk and the Department of Justice have stated that section 38 of the Canada Evidence Act does not apply to parliamentary proceedings.

Will the government now produce the uncensored documents and do the right thing by Canadian troops and Canadians and call a public inquiry?

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, the hon. member has not been listening to the arguments and has not been looking at the advice that has been provided.

I can tell you, Mr. Speaker, that one of the experts we have quoted and are relying upon is Professor Joseph Maingot, who, in discussing parliamentary privilege, says:

By convention, a parliamentary committee will respect Crown privilege when invoked, at least in relation to matters of national and public security.

What is so difficult about that to understand for the hon. member?

[*Translation*]

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, according to a report drafted by a commander who was in Afghanistan in June 2006, detainees were photographed before being transferred to Afghan authorities to provide evidence of abuse because, as the report says, "it happened in the past".

How are we supposed to believe the Minister of National Defence, who has hidden the truth and done his utmost to cover up the fact that Canada was transferring prisoners when he had evidence that they might be subject to torture? When will the Prime Minister demand the minister's resignation?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, in that particular incident, which has been public knowledge for a long time now, the Canadian Forces acted to prevent the abuse of a detainee. In all of these cases, it is clear that the Canadian Forces have done what they were supposed to do.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, the government is talking about a single incident, but the report says, "it happened in the past". The government says that this information was public for a long time, but on Tuesday, it said the opposite in the House. It takes a lot of nerve to say things like that. The Prime Minister is thumbing his nose at Canadians, our soldiers and this House. It makes no sense.

We have been asking the minister questions for months, even years, but he did not even have the sense to check his facts, to ask questions and to investigate. And he wants us to believe everything he says? He is not to be trusted. He needs to accept his responsibilities. He needs to prove that he is worthy of his position.

● (1430)

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, in this case, the Canadian Forces neither authorized nor participated in abuse. Quite the contrary, in fact. It is clear that they intervened to prevent a detainee from being abused. That is how the Canadian Forces operate, and we are very proud of them.

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, from the start, ministers and senior army officers have dismissed our questions, saying that no case of torture of a detainee handed over to the Afghan authorities by Canada has been proven. Thanks to a report that mysteriously resurfaced this week, we now know that is not true. The Chief of Defence Staff has opened an inquiry to determine what happened.

Does the Prime Minister not believe that a public inquiry would be preferable to an internal investigation conducted by the army, in which it is both judge and defendant?

[*English*]

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, as everyone knows, the Chief of the Defence Staff brought forward information that clarified this issue yesterday. Members, including the member opposite, have indicated that they accept the general's word, that they accept him to be an honourable person.

I am surprised, quite frankly, and it is quite perverse to suggest that he would not support the military process to look into this issue. That again really portrays something quite obvious. We support the forces, their success and the success of our country. He cannot say the same.

[*Translation*]

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, the Minister of National Defence himself, who just spoke, acknowledged that the Afghan authorities used torture, but supposedly not on detainees turned over by Canada. We now know that is not true. At least one detainee who was handed over to the authorities in 2006 was tortured. The minister has lost all credibility. He is visibly trying to conceal things.

Will the Prime Minister demand his resignation and call a public inquiry immediately?

[*English*]

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** The incident, Mr. Speaker, that the member speaks of yesterday was clarified by the Chief of the Defence Staff. He and the members of the Canadian Forces, from the highest ranks to those on the ground in Afghanistan, continue to distinguish our country. Their incredible work is something we applaud. We certainly think of them at this time of year as everyone gets prepared to spend time with their families.

This incident, of course, demonstrates again the professionalism, the hard work and accomplishments of the Canadian Forces. In each and every occasion, they act with the highest integrity.

[Translation]

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, it is high time the government took action on the detainee transfer scandal. Canada's international reputation is being damaged.

There is talk of a violation of the Geneva convention. If we do not shed light on this matter, the rest of the world will.

If it has nothing to hide, why does the government not launch an immediate inquiry?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, the facts are clear. The Canadian Forces and the Department of Foreign Affairs have met their international obligations. When faced with problems, they have taken corrective action. In fact, we concluded a brand new agreement with the Afghan government two and a half years ago. The facts are clear.

[English]

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, Canadians are tired of this nonsense. They believe Richard Colvin. The Chief of the Defence Staff vindicated him when he spoke of that 2006 report, which the government officials thought was important enough that they turned it over to Amnesty International two years ago. The minister did not care. He did not read it. He did not even want to act.

It is time for the government to take the step that is required, and that is to ask the minister to step down and start the inquiry, independently.

• (1435)

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, first, once again by his own admission, the leader of the NDP speaks of facts that have been on the public record for a couple of years. What do those facts indicate? Those facts indicate that the Canadian Forces, when faced with a case of abuse, took immediate action to deal with that. That should hardly be used as a reason to attack the forces. It should be used as a reason to praise them.

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, the Prime Minister must know that it is Human Rights Day today, and these types of answers, denials and cover-ups do not look good on Canada.

In fact, what is worse, on this 61st anniversary of the Universal Declaration of Human Rights, is the government has refused to sign. It says that it is tough on crime, but it is looking soft on torture right now because it will not ratify the United Nations optional protocol against torture.

Why will the government not stand up against torture and ratify the UN declaration against it?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, these matters are under review. However, the leader of the NDP should know that the facts are absolutely clear. He knows what those facts are. He should stop distorting those facts.

Members of the Canadian Forces and the Canadian Department of Foreign Affairs have conducted themselves with extraordinary

valour in a very difficult situation in Afghanistan. Whenever faced with difficult situations, they have responded and taken corrective actions. They should be praised for those actions.

[Translation]

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Mr. Speaker, the minister told us repeatedly that no allegations of mistreatment had been proven.

Yet the report released yesterday says that the Canadian Forces, “photographed the individual prior to handing him over, to ensure that if the Afghan National Police did assault him, as has happened in the past, they would have a visual record of his condition”.

How many cases of detainee mistreatment is the minister hiding and trying to sweep under the carpet?

[English]

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, as we know, the Chief of the Defence Staff has clarified the issue, once again demonstrating the professionalism of our forces from top to bottom and through the ranks.

More than that, over two and a half years ago, we improved upon the failed arrangement in place, left by the government opposite. We then went on to increase monitoring and mentoring within the prison system, working with police and prison guards and investing in the physical infrastructure of Afghan jails.

Those are concrete actions. Those are demonstrations of actions that have made a real difference in Afghanistan and a real, lasting legacy of our—

[Translation]

**The Speaker:** The hon. member for Notre-Dame-de-Grâce—Lachine.

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Mr. Speaker, the Minister of National Defence said, “The truth is there is no credible evidence to suggest that a prisoner was ever tortured.”

Yet the evidence shows that, in 2006, our soldiers began taking photos of detainees because they knew that the Afghan police had tortured or abused prisoners in the past.

How many cases of abuse or torture is the government trying to hide?

When will a public inquiry be called so we can finally learn the truth?

[English]

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, she is talking about normal procedures carried out by the professional and very capable members of the Canadian Forces in the field. What they continue to do is work hard to mentor, to train and to leave a lasting legacy that will serve that country and enhance our country's reputation.

*Oral Questions*

This mission is something that has been difficult and has been challenging, but great strides have been made to improve its justice system and human rights. That has been done on the backs of the hard work, the blood, sweat and tears and sacrifice of the Canadian Forces and our diplomatic corps.

**Mr. Mark Holland (Ajax—Pickering, Lib.):** Mr. Speaker, the defence minister, on November 23, said:

There has never been a single proven allegation of abuse involving a prisoner transferred by the Canadian Forces, not one.

In one question period alone, the minister repeated this line no less than five times. There was no ambiguity, no uncertainty, just an unqualified statement dismissing disturbing allegations of torture, a statement we now know was false.

Why did the defence minister fail to ensure he was speaking the truth before answering in this House? Why was it left to the Chief of the Defence Staff to uncover the minister's falsehood?

• (1440)

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, at 9:30, when the Chief of the Defence Staff called to share this new information with me, that is what happened. We accept his version of the truth. I and members of the government act on information received from our military, from our professional public service. We continue to act on their advice. We continue to work with them to carry out our important work in Afghanistan. Great progress is being made, improving its human rights and improving its jail system through monitoring and mentoring. We have made great strides also improving upon the failed record of the member and his government.

**Mr. Mark Holland (Ajax—Pickering, Lib.):** Mr. Speaker, there was nothing new about this information. The Chief of the Defence Staff asked questions, dug, sought out the facts and then did the honourable thing. He told the Canadian public the truth.

His integrity, our soldiers' integrity, is not in question. The minister's is. The minister stated a falsehood, stated it with certainty, asked no questions and made no apologies for misleading the House or Canadians.

Was the minister incompetent or dishonest? Why did he not ask questions to fight and get the truth? When will he stop using our troops as a shield, take responsibility and resign?

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, as I have said now a number of times, when the Chief of the Defence Staff called a press conference to correct the record yesterday, he did so with the utmost integrity and honour, as he always would, as members of the Canadian Forces have in carrying out their duties. Any time there has been credible evidence, they have acted as they did in this instance, as they did on other occasions. We have great faith and confidence in them.

The hon. member may want to play politics with this issue. He may want to, by implication, smear the Canadian Forces. We are not going to do that. We are going to continue to support them, give them the resources they need and back them 100%.

[Translation]

**Ms. Francine Lalonde (La Pointe-de-l'Île, BQ):** Mr. Speaker, the Minister of National Defence tried to minimize his government's complicity in the torture of Afghan prisoners by saying that the government did not deliberately hand them over to be tortured. However, the Geneva convention is clear: Canada is obliged to ensure that the prisoners handed over to Afghan authorities are not at risk of being tortured. Doing otherwise constitutes a war crime.

Does the Prime Minister not believe that it is high time to dismiss the Minister of National Defence, who refuses—

**The Speaker:** The hon. Minister of National Defence.

[English]

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, again, our diplomats and our professional military on the ground in Afghanistan and on 18 other missions continue to distinguish themselves by their hard work and their integrity, as, by the way, do the military leadership and members of the professional public service who testified before a parliamentary committee, all of whom confirmed the government's position, and that was we acted appropriately.

We took the information they gave us to make the right decisions. In each and every instance, the Canadian Forces have done the right thing, as they did in the case in question. We continue to support them. We want to see them succeed. We want to see our country succeed. I wish the hon. member shared that sentiment.

[Translation]

**Ms. Francine Lalonde (La Pointe-de-l'Île, BQ):** Mr. Speaker, a number of law professors believe that this government could be convicted of war crimes. According to Errol Mendes of the University of Ottawa, the law is clear: when there is a substantial risk of torture, there is an absolute obligation to stop transferring prisoners. We learned yesterday that the government has known since 2006 that prisoners handed over to Afghan authorities are at risk of being tortured.

Are these serious accusations not enough to justify a public inquiry?

[English]

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, it is interesting to hear a Bloc member referring to the star NDP candidate who has accused people such as Rick Hillier of being guilty of war crimes in the past. He pulled the same PR stunt back in 2007.

This is Michael Byers, who only a month ago was advocating a new coalition between the Liberals and the NDP. Apparently this is the same kind of coalition and the same kind of systemic attack that we have seen in the past against our men and women in uniform.

We will not stand for it. We will stand up for our men and women in uniform and support them all the way. I invite her to do the same thing.

*Oral Questions*

● (1445)

[Translation]

**Mr. Pierre Paquette (Joliette, BQ):** Mr. Speaker, we are talking about the responsibility of the minister and the government, not of the troops in Afghanistan.

Abraham Lincoln said, "You may fool all the people some of the time...but you can't fool all of the people all the time".

That is precisely what is going on with the Conservatives who, through cover-up and falsehoods, have become entangled in versions on torture in Afghanistan that no one believes.

Could the minister show a modicum of respect for the public, the soldiers and their families, diplomats and this House and call an independent public inquiry immediately?

[English]

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, the hon. member might want to check that point. I think it was P.T. Barnum who said it. But I will tell him what honest Abe did do, he tried to unify a nation. He tried to bring people together during a time of war.

That is what great Canadians do. They get behind their forces. They back them. They give them the necessary resources. They give them the necessary support that they need when they are doing difficult work.

The hon. member continues to play cheap politics. He continues to use wedge politics. We will support our forces. We will see our country succeed with no help from him.

[Translation]

**Mr. Pierre Paquette (Joliette, BQ):** Mr. Speaker, the Prime Minister and the minister have as much credibility on torture in Afghanistan as Richard Nixon did during Watergate. In fact, they are using the same political approach: control information, cover up, and start smearing others.

Will the Prime Minister have the decency to put his version to the test and call an independent public inquiry immediately?

[English]

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, let us look at the facts again. When we inherited this mission, we discovered very quickly there was a need for a change. There was a need to invest in resources to give the Canadian Forces the tools they needed to do the job, as well as the need to improve the Afghans' justice system. That meant investing in their system, mentoring and having more monitoring. All of that was enabled by a new enhanced transfer arrangement which our government did. We took that responsibility, having recognized the important improvements and changes that had to occur. As a result, things are better in Afghanistan today. Three years later things are looking much better as a result of this government's actions.

**Ms. Judy Foote (Random—Burin—St. George's, Lib.):** Mr. Speaker, yesterday when General Natynczyk honourably stepped forward to correct the record he said, "If this is the information I'm finding out this morning at 9:00 on the 9th of December, what else is there...?"

The general recognizes that something is not right. Why will the government not follow the general's lead and appoint a public inquiry rather than stonewalling and censoring everything in sight?

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, more of the same implicit contradictions; wash me but do not make me wet. We want to support the military, we want to suggest somehow that we take the word of the general and yet the general said at the same press conference that we are going to have a military board investigation to find out about this information, that we are going to follow up through the military to see what happened.

The hon. member should take a look at what the general said, the entire part of his press conference where he talked about how we will get to the bottom of it. In the meantime, the member should recognize the improvements that have been made. She should recognize the failures of her government and the improvements we have made in the mission on this side of the House.

**Ms. Judy Foote (Random—Burin—St. George's, Lib.):** Mr. Speaker, before yesterday there was already overwhelming evidence that a Canadian-transferred detainee had been abused. There were photographs before and after. There were notes from a soldier on the ground. There were notes from a medic discussing the injuries. Officials knew that abuse was systemic. That is why the photos were taken. This information has been available to the government since 2006 and it failed to act for over a year.

Will the government make the arresting officer, the medic, Colonel Noonan and General Deschamps available to Parliament so Canadians can get the truth?

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, and of course once again the member leaves out the important fact that the Chief of the Defence Staff did not have that information, but when he did, he passed it on to us. As always, we act on the information available to us. We act on the information given to us by diplomats. When we do, we are able to make important improvements, as we did with the transfer arrangement, as we did with issues related to the prisons and human rights. We made important changes that improved upon the failed record of her government, improved upon the inadequate arrangement. We made important changes and investments in mentoring and training. Making things better, that is what our diplomats and soldiers do. She adds nothing to this file.

● (1450)

[Translation]

**Mr. Marcel Proulx (Hull—Aylmer, Lib.):** Mr. Speaker, General Natynczyk's revelations yesterday are indisputable: yes, the detainees transferred to the Afghan authorities were tortured. We have been asking the Conservatives the question for years. After all the questions in this House, it was only yesterday that a bit of light was shed.

If this is not an operation to hide the truth from Canadians, then what is it? Crass incompetence on the part of the minister?

*Oral Questions*

[English]

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, again, let me point out that all of the witnesses we have heard, with one exception, have testified on their version of what was happening in Afghanistan at the time because they were closest to the mission. They are top generals and bureaucrats who were in charge of this mission. We received that information through that prism.

The hon. member and most of the opposition continually suggest that they can accept that testimony and that evidence, but somehow suggest that the government should have come to different conclusions. I would ask the hon. member to somehow try to square that circle and figure out that this is the information that we acted upon.

When we took over this mission in 2006, there were many things that were wanting. We made positive improvements.

[Translation]

**Mr. Marcel Proulx (Hull—Aylmer, Lib.):** Mr. Speaker, the document made public yesterday by General Natynczyk revealed something vital but not new. In November 2007, this document was included in a bundle of 1,200 pages filed with the Federal Court by National Defence. At the time, the date on the document was blacked out, as were sections on the mistreatment of the detainees. It may have been new to General Natynczyk, but it certainly was not new to the government.

Why did they hide the truth?

[English]

**Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, as the Minister of National Defence, I of course rely on the advice of our senior generals and leaders in the military, as I did in the previous department. We will continue to work with the people whom we trust, those closest to the mission, those with the most knowledge and those with the most ability to give us good advice. We will continue to do that.

The member is suggesting by implication that the military did something wrong, that somehow they did not do the right thing. That is what is so despicable. I ask those members to slip out of their comfy shoes, pull on some combat boots and walk outside the wire with some of those men and women.

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**EMPLOYMENT**

**Mr. Phil McColeman (Brant, CPC):** Mr. Speaker, our Conservative government introduced Canada's economic action plan to respond to the global economic crisis. Our plan is stimulating the economy, creating jobs and helping businesses weather the economic storm.

In November, Canada created nearly 80,000 jobs. Today, we have more good news coming from Toyota.

Could the Minister of Finance please tell Canadians how our commitment to a low tax business environment is helping create jobs for Canadians?

**Hon. Jim Flaherty (Minister of Finance, CPC):** Mr. Speaker, today Toyota announced that it will hire 800 workers at its automotive assembly plant in Woodstock, Ontario. This is great news. It shows how competitive Canada's and Ontario's economy are.

Our economic action plan is supporting our manufacturing sector with lower business taxes that are creating jobs for Canadians. In fact, by 2012 Canada will have one of the lowest overall tax rates on new business investment in the G7. Our government will continue to seize the opportunities that will ensure Canada's economic recovery and ensure that Canada emerges from the recession stronger than ever.

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**THE ENVIRONMENT**

**Ms. Linda Duncan (Edmonton—Strathcona, NDP):** Mr. Speaker, a peer-reviewed report on the oil sands emissions just published in the *Proceedings of the National Academy of Sciences* shows that oil sands operations are emitting today, and have been emitting for decades, levels of contaminants, putting the Athabasca watershed and its fisheries at serious risk. They found levels of airborne toxins equal to a major oil spill each year.

The finding raises serious questions about the government's long-term failure to regulate the impacts of this industry. Will the government commit to undertake an immediate fulsome investigation and timely response? Canadians—

• (1455)

**The Speaker:** The hon. Parliamentary Secretary to the Minister of the Environment.

**Mr. Mark Warawa (Parliamentary Secretary to the Minister of the Environment, CPC):** Mr. Speaker, I wish the member would be honest with Canadians.

The fact is that Canada emits 2% of greenhouse gas emissions globally. The oil sands produce approximately 5% of the total GHGs in Canada. The transportation sector on the other hand produces 27%.

That is why this government released features of the draft regulation report on vehicles. Our challenge is to be a clean superpower and that includes clean oil, clean vehicles, clean energy and clean technology.

**Mr. Bruce Hyer (Thunder Bay—Superior North, NDP):** Mr. Speaker, scientist David Schindler has recently confirmed that the pollution from the tar sands is out of control. Tar sands pollution is hurting our climate and the health of Canadians.

The government continues to turn a blind eye to the industry's toxic pollution and the damage that it causes.

Is it not time for the government to halt its reckless expansion of further tar sands development until it can control the environmental and health aspects?

**Mr. Mark Warawa (Parliamentary Secretary to the Minister of the Environment, CPC):** Mr. Speaker, the reality is the NDP members would have Canadians lose their jobs. They are opposed to the oil sands.

*Oral Questions*

Our plan is clear: a 20% reduction by 2020. Canada and the United States are working together on a North American continental harmonized approach.

We are in Copenhagen. We want an agreement. It is in our interest to have an agreement. We are prepared to accept our fair share.

Why will the opposition not support a real plan on climate change?

[Translation]

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Mr. Speaker, according to the Canada West Foundation, if the government imposed on Alberta the same greenhouse gas reduction targets imposed on other provinces and Quebec, Canada would experience a unity crisis. These remarks are similar to those by the Minister of the Environment and oil companies that are calling for special status for Alberta and polluters.

Does the Prime Minister not find it strange that supposed Canadian unity makes it possible to accommodate the interests of Alberta and the oil companies at the expense of the economic and environmental interests of Quebec.

[English]

**Mr. Mark Warawa (Parliamentary Secretary to the Minister of the Environment, CPC):** Mr. Speaker, the reality is that this government has worked with the provinces, the territories and our international partners. Right now we are in Copenhagen working hard for a new international agreement on climate change.

Why would that member and other opposition members want Canada to lose jobs? We are standing with a balanced approach: a 20% reduction by 2020. It is a realistic plan. We are getting it done on the environment.

Why would those members oppose a good plan on the environment?

[Translation]

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Mr. Speaker, the reality is that Conservative members from Alberta do not hesitate to support the Government of Alberta.

Why are the Conservative members from Quebec, this bunch of yes-men, always on their knees when it is time to defend the interests of Quebec?

[English]

**Mr. Mark Warawa (Parliamentary Secretary to the Minister of the Environment, CPC):** Mr. Speaker, the member has got it all wrong. It is this government that stands for all provinces, for all Canadians. We are the ones who are working on the environment, but we need support from every member of the House.

What is good for Canada? What is good for the planet? What is going to make a difference? Our plan, a 20% reduction by 2020 and harmonization with the United States.

Those members need to get on board and do something.

**INTERNATIONAL CO-OPERATION**

**Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.):** Mr. Speaker, last week it was reported that the finance minister will make not-for-profit groups pay for his Conservative deficit. KAIROS was only the first example, an organization whose mission statement is: Canadian churches working together for justice and peace.

Those who were poor before the Conservative recession are worse off now, and now the minister wants them to pay for the Conservative deficit.

Canadians helping those in need are heroes and they do so with scarce resources and much faith. They should not be further victimized.

What does the government have against the poor and our churches, and who is next on the hit list?

**Hon. Bev Oda (Minister of International Cooperation, CPC):** Mr. Speaker, our government recognizes that Canadians are very generous and compassionate, but they also are very responsible people. That is why they want to make sure that the money we put into the micronutrient initiative is going to save millions of children's lives. The money we put into food aid last week is going to help feed 17 million people. The money that we have committed to agriculture will help people feed themselves. We put money into medical aid and counselling, and toward women who are the victims of rape and sexual violence.

That is how Canadians want to see their money spent.

\* \* \*

● (1500)

**THE ECONOMY**

**Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.):** Mr. Speaker, even when it inherited a Liberal surplus the government cut those in need: literacy, women's groups, the court challenges program.

Now, with a Conservative deficit, the government again targets the vulnerable, just as the finance minister did as part of the Mike Harris gang in Ontario.

We have communities without clean water, women suffering from abuse, people with disabilities living in poverty, families that cannot feed their children, people living in the streets of our country, and we have a government that spends millions of dollars promoting itself and making videos of the Prime Minister.

Why should the poor have to pay for that? Is this even Canada anymore?

**Hon. Jim Flaherty (Minister of Finance, CPC):** Mr. Speaker, part of the economic action plan is the working income tax benefit. The acronym is WITB, which is easy to remember.

This is a tremendous program. It is the most important social program change in the tax system for lower income Canadians since the introduction of the RRSP. This is an important tax change. What it means is that more Canadians who have been on social assistance are incented to work and helped to work, and they get to keep more of that money.

### Oral Questions

That is an important advance that helps real Canadians work in Canada.

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### FINANCIAL INSTITUTIONS

**Mr. Brian Masse (Windsor West, NDP):** Mr. Speaker, while the constituents in my riding and Canadians across the country are suffering under the recession, *The Globe and Mail* is reporting that the CEOs of Canada's six largest banks are pocketing \$8.3 billion in bonuses. This comes less than one year after the government propped the banks up with \$75 billion.

In the United States and the United Kingdom, the governments are taking this on and restricting executive pay. Why will the Conservative government not do the same?

**Hon. Jim Flaherty (Minister of Finance, CPC):** Mr. Speaker, let us be clear. We have what is seen as the most sound banking system in the world.

This is not the United Kingdom. This is not the United States. We did not have to bail out banks. We did not have to nationalize banks. We did not have to use taxpayer money to bail out banks in Canada.

That is why we have the reputation around the world as having one of the most sound financial systems.

The G20 has guidelines. There are the Financial Stability Board guidelines. I have written to the financial institutions, requesting their compliance. If there is not compliance, there will be consequences in Canada.

[Translation]

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Mr. Speaker, I believe that the Minister of Finance needs a short course in mathematics. The \$8.3 billion could support 101,000 families with children, 192,000 single parent families, or 293,000 seniors living alone. 293,000 seniors could live on the bonuses of the CEOs of the six largest banks.

What is the Minister of Finance waiting for to follow the lead of Great Britain and legislate against these excessive bonuses.

[English]

**Hon. Jim Flaherty (Minister of Finance, CPC):** Mr. Speaker, the government of the United Kingdom had to bail out banks. In fact, it had to nationalize banks.

On the contrary we have one of the best financial systems in the world, not only in our banking system but in our insurance system. Canadians can be proud that we weathered the recession and we are recovering with a strong system of financial institutions that employ tens of thousands of Canadians.

Building our financial institutions up is good for the country. It is good for employment. These are high-paying jobs.

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### JUSTICE

**Mr. Rod Bruinooge (Winnipeg South, CPC):** Mr. Speaker, drug production and drug trafficking is without a doubt the most significant source of illicit money for organized crime groups.

Despite this, yesterday Liberal senators voted to gut our drug bill that aims to disrupt gangs.

Liberal amendments would not only weaken the bill, they would create a two-tier justice system, with aboriginals on the losing end. Exempting aboriginals from jail time would make them a target for drug dealers who know they will be back on the street sooner than non-aboriginals.

Police organizations from across this country have begun speaking out about the Liberal Senate amendments and the damage that would cause to our streets.

Would the Minister of Justice state why this is an important bill for Canadians?

● (1505)

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, yesterday was a bad day for Canadians worried about drug crime. However, it was a good day for people involved in the grow-op business. They received an early Christmas present from the Liberals in the Senate.

The Liberals think that people trafficking in up to 200 marijuana plants should not face mandatory jail time. Canadians disagree. I have been calling on the Liberal leader to show some leadership on this. The Liberals have no trouble fighting among themselves. How about fighting crime for a change? Would that be so bad?

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### PENSIONS

**Hon. John McCallum (Markham—Unionville, Lib.):** Mr. Speaker, someone once said, "Key social programs such as public pensions are outdated". He also said "There is no real reason for government to run it". What was he talking about? The Canada pension plan. Who said it? The Prime Minister said it.

Is the Prime Minister's laissez-faire, "I do not care" attitude about pensions the real reason the finance minister cannot commit to a national supplemental CPP?

**Hon. Jim Flaherty (Minister of Finance, CPC):** Mr. Speaker, we have done a great deal of work on the question of pensions this year. We brought in changes about a month ago now. The Province of Ontario brought in some changes yesterday.

The finance ministers are meeting later on next week, in Whitehorse. We will spend about half of our time talking about pensions. We commissioned the research work by Professor Mintz and his group. Other work has been done by the provinces of Alberta and British Columbia, and Ontario and Nova Scotia as well. We will be meeting next week, to review that and focus on what might be done with respect to improving retirement income in Canada.



*Business of the House*

[Translation]

**INTERNATIONAL TRADE**

**Ms. Johanne Deschamps (Laurentides—Labelle, BQ):** Mr. Speaker, another Canadian mining company, Blackfire Exploration, is being blamed for reprehensible conduct in Mexico. It is accused of contaminating rivers and destroying livestock and crops. The local authorities also suspect that the company is linked to the assassination of an environmentalist.

When will this government put in place a legal framework to make Canadian companies working abroad accountable, as proposed by the Bloc Québécois for years?

**Hon. Stockwell Day (Minister of International Trade and Minister for the Asia-Pacific Gateway, CPC):** Mr. Speaker, there are currently more than 8,000 sites in the world where Canadian mining companies operate. We have put in place a process to establish the best regulations in the world for mining companies. We also have an advisor who can provide advice to companies.

\* \* \*

[English]

**ABORIGINAL AFFAIRS**

**Ms. Niki Ashton (Churchill, NDP):** Mr. Speaker, residential school survivors struggle every day with the agonizing trauma of their experience.

The minister knows that the Aboriginal Healing Foundation has been critical in providing support in terms of counselling the survivors and their families. In my riding alone, 18 projects in 17 communities, depend on this funding.

Since healing is a key part of reconciliation, will the government commit to supporting the Aboriginal Healing Foundation and its programs beyond the March 2010 cutoff?

**Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development, Federal Interlocutor for Métis and Non-Status Indians and Minister of the Canadian Northern Economic Development Agency, CPC):** Mr. Speaker, I share the broad support for the Aboriginal Healing Foundation. As the member knows, that five-year segment was part of the Indian residential schools settlement, at which time the government is to work with the foundation to do a review of the efficacy of the program to see what improvements could be made and make sure it is getting the job done.

That evaluation is taking place. When that evaluation is done, it will be posted on our website. As of now the evaluation has not been completed, but as soon as it is I will be sure to get it to the member.

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**INFRASTRUCTURE**

**Mr. James Lunney (Nanaimo—Alberni, CPC):** Mr. Speaker, just 10 months into our two-year economic action plan we have already committed 97% of the funding.

This adds up to 12,000 projects across the country, 8,000 of which have already begun. All across the country, from coast to coast, projects are up and running, jobs are being created and Canadians are seeing the benefit.

I would like to ask the Minister of Transport, Infrastructure and Communities to advise this House about an important project that was announced this morning in British Columbia.

● (1510)

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, once again this government has been delivering for the people of British Columbia.

This morning, with the province, we announced \$25 million for the construction of a new ferry terminal in Klemtu, British Columbia. This work will start immediately. It is a great project in the riding of Skeena—Bulkley Valley. It will create jobs and open opportunities and improve the lives of the first nations community who live there.

Step by step, we are delivering for British Columbia like no other government has in Canadian history.

**The Speaker:** That will conclude question period for today.

I want to remind hon. members that they have received an invitation to a reception in room 253-D, which starts now, where they will be able to meet the Olympic athletes who were introduced earlier.

[Translation]

All members are welcome.

[English]

I also wish to inform the House that because of the proceedings in committee of the whole, government orders will be extended by seven minutes.

\* \* \*

**BUSINESS OF THE HOUSE**

**Hon. Ralph Goodale (Wascana, Lib.):** Mr. Speaker, it being Thursday, I wonder if the government House leader could explain his business plan for the rest of today and tomorrow, and what his expectations might be for the weekend and next week.

**Hon. Jay Hill (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, today we will continue with the business of supply.

Tomorrow it is my intention to call Bill C-56, the fairness for the self-employed act, which as we know is at third reading. It is crucial that we pass Bill C-56 before we rise for the Christmas break. To qualify for benefits, Canada's self-employed must have paid premiums for a year beforehand.

Officials in the department need the green light from Parliament to begin preparing for the January 1 implementation. We cannot start notifying people until the bill receives royal assent.

As we know, this bill is supported by three of the four parties in the House. When there is that much support, anything can happen. We will put that support to the test tomorrow when the government will propose to dispose of the final stages of Bill C-56. The support from the Liberals and the NDP in this minority Parliament are key of course, and I hope their support does not evaporate overnight.

*Speaker's Ruling*

This is our one chance to get this job done. The government will have every available body here tomorrow for the vote in order to get the fairness for the self-employed act into law before we break to ensure that the self-employed benefit from these important and popular measures.

While I am on my feet, I would like to take this opportunity to wish a merry Christmas to all my colleagues on both sides of the House following the rise of Parliament, whenever that might happen.

**The Speaker:** I thank the government House leader on behalf of all hon. members for his good wishes.

The hon. member for Winnipeg North is rising on a point of order.

\* \* \*

### CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

**Ms. Judy Wasylycia-Leis (Winnipeg North, NDP):** Mr. Speaker, I have a motion, seconded by the hon. member for Charleswood—St. James—Assiniboia, for which I believe, if you seek it, you will find unanimous consent. It is on this day, United Nations Human Rights Day, and the day when the Olympic torch entered the chamber, that I would like to move:

That this House calls upon the government to ratify the Convention on the Rights of Persons with Disabilities which was tabled in the House on Thursday, December 3, 2009, as soon as all provinces and territories have officially given their consent and that this House expresses the hope that ratification is achieved by the time of the paralympic games.

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

**Some hon. members:** Agreed.

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

**Some hon. members:** Agreed.

(Motion agreed to)

\* \* \*

[Translation]

### PRIVILEGE

INFORMATION RELATED TO THE STUDY OF BILL C-36—SPEAKER'S RULING

**The Speaker:** I am now prepared to rule on the question of privilege raised on November 30, 2009, by the hon. member for Windsor—Tecumseh concerning the inability of the Standing Committee on Justice and Human Rights to obtain documents requested from the Head of Correctional Service of Canada in advance of the committee's clause-by-clause consideration of Bill C-36, An Act to amend the Criminal Code, as is described in the 14th Report of the committee which was presented to the House on November 26, 2009.

[English]

I would like to thank the hon. member for Windsor—Tecumseh for having raised this matter. I would also like to thank the members for Abitibi—Témiscamingue and Mississauga South, the government House leader, the member for Notre-Dame-de-Grâce—

Lachine, as well as the Minister of Public Safety for their interventions.

[Translation]

In presenting his case, the member for Windsor—Tecumseh gave a detailed account of his attempts to ascertain whether the information which a witness, Mr. Don Head of Correctional Service of Canada, had committed to provide to the committee prior to its clause-by-clause consideration of Bill C-36 on November 16 had indeed been provided.

● (1515)

[English]

Although the information requested of Mr. Head, the sole source of this information, had been prepared in a timely manner and forwarded to the office of the Minister of Public Safety, it was not until November 23, 2009, the day that Bill C-36 was considered at third reading in the House that the member for Windsor—Tecumseh received an undated copy of a letter containing the information in question. The rest of the committee received a dated version of the same letter on November 25, 2009, the day after the House finished the third reading debate on the bill.

In alleging interference by the minister's office, either through incompetence or deliberate intent, the hon. member questioned the role of ministers in supplying information to committees and concluded that his work as a member of Parliament had been impeded.

[Translation]

This argument was supported by the hon. member for Abitibi—Témiscamingue, the hon. member for Mississauga South, and the hon. member for Notre-Dame-de-Grâce—Lachine.

[English]

On December 1, 2009, the Minister of Public Safety rose in the House to apologize unreservedly for the unwarranted delay caused by his office in transmitting the requested information from Mr. Head to the committee.

Pursuant to Standing Order 108(1)(a), it is a well-established and unequivocal power of all committees of the House to order the production of papers and records. Page 978, House of Commons Procedure and Practice, Second Edition, describes this as "a broad, absolute power", and at page 979, it states:

[Translation]

No statute or practice diminishes the fullness of that power rooted in House privileges unless there is an explicit legal provision to that effect, or unless the House adopts a specific resolution limiting the power. The House has never set a limit on its power to order the production of papers and records.

[English]

When a committee's attempt to obtain information is unsuccessful, there are essentially three options available. As outlined on page 980 of O'Brien and Bosc:

The first is to accept the reasons and conditions put forward to justify the refusal... The second is to seek an acceptable compromise with the author or the authority responsible for access to the record... The third option is to reject the reasons given for denying access to the record and uphold the order to produce the entire record.

[Translation]

Accordingly, it is then incumbent upon committee members to avail themselves of these options which are designed specifically to ensure that a committee's power to secure information is not circumvented.

[English]

In the case at hand, it is the view of the Chair that the hon. member for Windsor—Tecumseh could have proposed a motion to have the committee report to the House the fact that the information requested had not been received, and request that the House compel the production of that information. House of Commons Procedure and Practice, Second Edition, sets out this process when it notes, on pages 980 to 981:

[Translation]

Since committees do not have the disciplinary power to sanction failure to comply with their order to produce records, they can choose to report the situation to the House and request that appropriate measures be taken. Among the options available to the House is to endorse, with or without amendment, the committee's order to produce records, thus making it a House order.

[English]

By failing to follow this prescribed course of action, the hon. member is asking the House to do that which the committee itself was required to do to remedy this situation. The Chair must note that the committee in question did not come back to the House to request for an order of the House to produce specific papers. As with all claims pertaining to a breach of privilege, the standard which must be demonstrated is whether the member has been impeded in the fulfillment of his or her duties and functions by some action or omission.

• (1520)

[Translation]

As outlined in the 14th report of the Standing Committee on Justice and Human Rights, in the submission of the member for Windsor—Tecumseh, and through the admission of the Minister of Public Safety, there is no denying that the information failed to reach the committee within the specified time. However, it is equally clear that the proceedings on the bill were nonetheless able to continue, with members' full participation.

[English]

Seeing that neither the committee nor the House appeared to share the view of the hon. member that they needed the requested information in order to complete their deliberations on the bill, I cannot find that a *prima facie* case exists in this matter.

In this case I will dismiss the matter, but I thank the House for its attention to this ruling.

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#### POINTS OF ORDER

##### BILL C-471—PAY EQUITY TASK FORCE RECOMMENDATION ACT

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, I rise on a point of order regarding Bill C-471, the pay equity task

#### Points of Order

force recommendations act, on the grounds that it requires a royal recommendation.

Normally, royal recommendation interventions are made before the first hour of debate, which occurred on this bill last night. However, after a request from the Liberal Party, who had an event of some importance last night, we delayed that so that we would not unduly delay the members opposite from attending their most important event.

Let me make my intervention now. Bill C-471 proposes to do two things. First, it imposes on the government a duty to implement the recommendations of the 2004 pay equity task force report that sets deadlines by which this must be done. It is noted in clause 2 of the bill that this includes establishing "all statutory oversight agencies".

The second component of Bill C-471 is to immediately repeal the Public Sector Equitable Compensation Act, which was passed by Parliament nine months ago in March 2009. I have objections to both of these components and will address them in turn.

Turning to the first component, subclause 2(1) of the bill imposes an imperative duty on the government to "implement the recommendations of the Pay Equity Task Force set out in its final report". I have considerable concerns with this provision. While a sponsoring member may attempt to argue that Bill C-471 is similar to the Kyoto protocol implementation act or the Kelowna accord implementation act, which you ruled in order in the last Parliament, there is significant distinction.

In your ruling on September 27, 2006, regarding Bill C-288, you stated:

In a ruling earlier this week on a similar matter, namely, C-292, An Act to implement the Kelowna Accord, the Chair made a distinction between a bill asking the House to approve certain objectives and a bill asking the House to approve the measures to achieve certain objectives. So too in the case before us, the adoption of a bill calling on the government to implement the Kyoto protocol might place an obligation on the government to take measures necessary to meet the goals set out in the protocol but the Chair cannot speculate on what those measures may be.

In the case of Bill C-471, the measures are set out in detail in the 113 recommendations of the task force report, which is referenced in this bill. The recommendation is that "Parliament enact new stand alone proactive pay equity legislation". The other 112 recommendations describe the measures that should be included in that legislation.

As a result, this bill raises grave concerns. It places an impossible duty on the Crown of implementing the recommendations, which can only be done by passage of legislation. It seeks to bind this or a subsequent Parliament to pass this new legislation, which I submit would unconstitutionally undermine the fundamental principle of parliamentary sovereignty. It would fundamentally alter the relationship between the Crown and Parliament, and that is the heart of the financial initiative.

In your February 24, 2005, ruling, you aptly quoted:

Suffice it to say that those relations are neatly summed up in the phrase, "the government proposes, and parliament disposes".

### *Points of Order*

Bill C-471 clearly turns that relationship on its head by both proposing and disposing the measures in purposes for which public moneys should be spent. This is made even more apparent by subclause 2(2) of the bill. This provision sets the deadline by which the government must implement the task force recommendations. In particular, it states:

The Government of Canada shall ensure that all statutory oversight agencies are put in place no later than January 1, 2011.

This provision of the bill also distinguishes it from Bill C-288 and Bill C-292, considered in the last Parliament. Neither of those bills dictated the establishment of new institutions, much less as part of its expressed terms. Based on the task force report, the duty in subclause 2(2) entails the new creation of two new statutory agencies as well as a new system of adjudicators. Assuming Bill C-471 is constitutional and the government is bound by its terms, it has no choice but to establish these new bodies.

It is trite to say that such a measure would require the expenditure of new funds to a new purpose. For example, the Speaker's ruling of September 19, 2006, concluded that the creation of advisory committee requires a royal recommendation, since this clearly would require the expenditure of public funds in a manner not currently authorized. For this reason, Bill C-471 requires a royal recommendation to be in order.

• (1525)

The second component of Bill C-471 also clearly demonstrates that a royal recommendation is required. As mentioned at the beginning of my remarks, Bill C-471 at clause 3 repeals, in its entirety, the Public Sector Equitable Compensation Act. This repeal would take immediate effect if this bill were to be given royal assent.

The nature of this provision is completely different from anything that was in Bill C-288 and Bill C-292 from the last Parliament.

To fully understand why it has an impact on the financial initiative of the Crown, it is first necessary to understand the purpose of the PSECA. The purpose of this act, put simply, was to remove jurisdiction over public sector pay equity complaints from the Canadian Human Rights Act and to create a new statutory scheme for dealing with public sector pay equity issues proactively.

By the same token, the PSECA removed jurisdiction for dealing with public sector pay equity complaints from the Canadian Human Rights Commission and the Canadian Human Rights Tribunal. Complaints that arise out of the PSECA process are instead dealt with by the Public Service Labour Relations Board. The grounds for those complaints are defined in the PSECA.

This is underscored in the PSECA's consequential amendment to the Canadian Human Rights Act, which states:

The Commission does not have jurisdiction to deal with complaints made against an employer within the meaning of the Public Sector Equitable Compensation Act [related to the pay equity provisions of the Canadian Human Rights Act].

The effect then of clause 3 of Bill C-471 is to reverse all of that. This has two distinct impacts. First, it gives jurisdiction over public sector employers to the Canadian Human Rights Commission and Tribunal, whose jurisdiction was expressly removed in the PSECA. Second, it subjects public service employers, that is, the Crown as employer, to liability for new statutory grounds of complaint under

the Canadian Human Rights Act. Both of these impacts infringe upon the financial initiative of the Crown.

In the second edition of *House of Commons Procedure and Practice*, O'Brien and Bosc state a fundamental principle of the royal recommendation at pages 833 to 834:

An appropriation accompanied by a royal recommendation, though it can be reduced, can neither be increased nor redirected without a new recommendation...A royal recommendation not only fixes the allowable charge, but also its objects, purposes, conditions and qualifications. For this reason, a royal recommendation is required not only in the case where money is being appropriated, but also in the case where the authorization to spend for a specific purpose is significantly altered. Without a royal recommendation, a bill that either increases the amount of an appropriation, or extends its objects, purposes, conditions and qualifications is inadmissible on the grounds that it infringes on the Crown's financial initiative.

Mr. Speaker, this principle is reflected in your ruling of February 11, 2008, in which you held that Bill C-474 required a royal recommendation because it proposed to substantially alter the mandate of the Commissioner of the Environment and Sustainable Development. The same principle applies to the bill before you today.

The object of the Public Service Equitable Compensation Act was to fundamentally change the structure, process and jurisdiction for dealing with public sector pay equity issues from what existed before the passage of the act. A royal recommendation accompanied the budget implementation bill, which included the PSECA.

Accordingly, repealing the PSECA and giving the Canadian Human Rights Commission and Tribunal jurisdiction over public sector pay equity complaints is essentially a fundamentally new and altered purpose for those organizations. No royal recommendation accompanies that change in Bill C-471.

The royal recommendation that accompanied the PSECA cannot be redirected to the Canadian Human Rights Commission and Tribunal, and past appropriations for the Canadian Human Rights Commission and Tribunal cannot be used for a purpose and jurisdiction that Parliament expressly removed from the PSECA. On that ground alone, Bill C-471 infringes upon the Crown's financial initiative.

In addition, the bill infringes upon the financial initiative on the basis that it exposes the Crown to a distinct liability that would be paid by public moneys. As stated in Erskine May's *Parliamentary Practice*, 21st edition, on page 714:

Any proposal whereby the Crown would incur a liability or a contingent liability payable out of money to be voted by Parliament [requires the Queen's recommendation].

In this vein, a June 12, 1973, Speaker's ruling held that a royal recommendation was required for Bill S-5, an act to amend the Farm Improvement Loans Act.

*Points of Order*

● (1530)

The Speaker noted:

It may be said that the proposal in Bill S-5 does not in itself propose a direct expenditure. It does, however, propose substantial additional liabilities on public moneys.

Similarly, a May 5, 2009, ruling from the Speaker of the other place ruled Bill S-219 out of order because it would change the Crown's liability under the Canada Student Loans Act. As held in that ruling:

The passage of Bill S-219 would expand the range of conditions under which the government would have to make good its guarantee of loans under the Canada Student Loans Act. This would change the existing scheme, since payments from the Consolidated Revenue Fund might increase due to the change in possible obligations. As such, the bill should have a Royal Recommendation, and would have to originate in the other place.

This is also consistent with a ruling on February 12, 1988 regarding Bill S-4, an Act to Amend the Canada Shipping Act. In that case, Mr. Speaker, you found that increases to the limits of civil liability of shipowners did not require a royal recommendation because the payment was covered by the authorization in section 30 of the Crown Liability and Proceedings Act.

My correction, Mr. Speaker, if you were not here in 1988. You have been for so long, I think of you as being here forever. That is a compliment, and please take it as such.

That act essentially provides that the Crown could be civilly liable in court for breaches of what is known in the common law tradition as tort or property law. Crown liability for breaches of its law of civil salvage is also expressly provided under section 5. Section 30 provides judgments issued by a court against the Crown are authorized to be paid.

The case of Bill C-471 is clearly distinguishable from Bill S-4 in that it creates a new and distinct statutory liability for the Crown under the Canadian Human Rights Act. The Crown Liability and Proceedings Act does not authorize payments for new statutory liabilities of the Crown. In fact, section 33 states:

Except as otherwise expressly provided in this Act, nothing in this Act affects any rule of evidence or any presumption relating to the extent to which the Crown is bound by an Act of Parliament.

Bill C-471 would create a new and distinct statutory charge of the Crown's liability. The more adversarial quasi-judicial setting of the human rights regime is fundamentally different from the proactive and integrated approach of the PSECA.

Under the PSECA, pay equity obligations are integrated in the bargaining process subject to complaint on certain grounds of the Public Service Labour Relations Board. In contrast, under the Canadian Human Rights Act, liability is initiated by individual complaints adjudicated before an administrative tribunal and potentially results in awards for damages. The authority for awarding those damages is the Canadian Human Rights Act.

As you may recall, Mr. Speaker, through the previous complaints based process under the Canadian Human Rights Act, the government has paid out of public moneys multi-billion dollar judgments. The Crown's obligations are significantly different under the PSECA and a royal recommendation is required to change that.

Before concluding, and I know the wish is for me to conclude quickly, I would like to address a point that may arise during the study of this bill. As we know, the Public Sector Equitable Compensation Act has been passed by Parliament, but it has not been proclaimed into force. Like many other statutes, Parliament delegates to the Governor-in-Council the authority to determine the day on which the act comes into force.

This transitional period, as one of the terms under which Parliament has passed the law, allows the executive time to prepare for the effective implementation of provisions. For purposes of assessing the need for a royal recommendation for Bill C-471, it does not matter whether or not the legislation has been proclaimed into force, it suffices that the law has been passed by both Houses of Parliament and that it has received royal assent.

What is and should be most critical and salient is Parliament's decision to make law. In the 21st edition of Erskine May, in formulating the test for whether a charge is new and distinct, it is stated at page 712:

The question may arise whether a proposal for expenditure or for increased expenditure is not already covered by some general authorization. The test for determining this question in the case of a substantive proposal, ie. a provision in a bill, as introduced, is a comparison with existing law.

In this case, the Public Service Equitable Compensation Act was passed by Parliament on March 12, 2009. It forms part of the Statutes of Canada, it reflects the will of Parliament and it will be implemented under the terms passed by Parliament because that is what the law directs.

As Erskine May puts it, it forms part of the existing law, this is the law against which the provisions of Bill C-471 must be compared. To look at it another way, there would be no purpose for clause 3 of Bill C-471 but to change the law. It follows that in this instance it also changes the purposes and conditions for which the House has authorized expenditures. For that reason it requires a royal recommendation.

● (1535)

While Bill C-471 is a short bill, it has significant consequences and there are multiple reasons for which it requires a royal recommendation to be in order. I should also add that the member for Etobicoke—Lakeshore, the sponsor of Bill C-471, has said that he believes Bill C-471 would result in some additional unspecified costs for the government. In other words, the leader of the official opposition, who is the sponsor of this bill, agrees that his own bill requires a royal recommendation.

**Hon. Joseph Volpe (Eglinton—Lawrence, Lib.):** Mr. Speaker, clearly we have just listened to another specious argument by the government side against pay equity. The member is beginning to engage in debate of the bill itself with his last comment. If, of course, we do not have pay equity, even though the law is there, it is because the Conservatives have not taken the measures to implement it. However, we as the official opposition will refer our position on this in due course.

**The Speaker:** I thank the hon. parliamentary secretary and the hon. member. I look forward to further submissions on the matter and will take it under advisement accordingly. I do not sense a particular urgency in coming up with a ruling on this, so we might not hear until January some time.

*Business of Supply*

I know the hon. parliamentary secretary would want me to take time to give due consideration to every argument he has advanced and they were lengthy.

## ORAL QUESTIONS

**Ms. Judy Foote (Random—Burin—St. George's, Lib.):** Mr. Speaker, I rise today because I take my responsibilities in the House of Commons seriously and I do sincerely think I have a contribution to make to the debate in the House. Therefore, I cannot begin to tell you how disappointed I was when I was told, and I did not hear this, that the Minister of National Defence, in response to my second question to him, suggested that “she adds nothing to the debate”.

For that to come from the Minister of National Defence, a minister of the Crown, is truly disappointing and it begs the question of his attitude toward women. I know there have been other circumstances where the minister has had to apologize for saying things that were not proper of a female member in the House of Commons. It was some time ago that he allegedly made remarks about another woman in the House of Commons. He subsequently apologized, even though the ruling was that the remarks he was alleged to have made could not be heard on the tape.

If you were to listen to the tape, Mr. Speaker, and I am told it was very clear, he did say, in response to my question to him, in his concluding remarks “she adds nothing to the debate”. For me it is a serious issue as I think it is for all women who serve our country, no matter what profession. I have to question that kind of attitude being displayed toward another colleague in the House of Commons, whether it be male or female. In this instance it was the Minister of National Defence in response to a very serious question I put to him on a very serious matter taking place in the House of Commons with respect to the Afghan detainee issue. Is this a pattern of the government or is it just this minister in particular?

However, I would like to have an apology from the minister. He needs to show some respect in the House of Commons toward his colleagues and, in this case, toward a woman colleague who has every right to make a contribution in the House of Commons as he does.

• (1540)

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, in response to my hon. colleague's intervention requiring an apology and suggesting the Minister of National Defence is sexist in any way is outrageous. We sit here day after day. You know, Mr. Speaker, adjudicating this debate every day, the comments that come from the members opposite when the Minister of National Defence gets to his feet are absolutely outrageous. Yet the member has the unmitigated gall to stand here with her feelings hurt, suggesting that the Minister of National Defence is in some way, some fashion, some manner accusing her of something that she considers to be sexist.

This is unbelievable to me to finally have an opportunity to speak first hand with the member opposite on a debate, and this is a debate because it is certainly not a legitimate point of order, when she considers the Minister of National Defence to be sexist. It is something she should apologize for, not the Minister of National Defence.

**Mr. James Lunney (Nanaimo—Alberni, CPC):** Mr. Speaker, I was in the House when the alleged remark was made. I recognize that the member is new in the House. I think the fact that her feelings are hurt because somebody disagreed with her comments is probably more reflective of the nature of the comment from the minister. Once she has been here a little longer, she will realize that what was said was purely a response to her remarks with no other innuendo attached to it.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I was also in the chamber when the Minister of National Defence made the comment that the member had nothing to offer to the debate. It was quite clearly a dismissive remark.

Standing Order 18 reads:

No Member shall speak disrespectfully of the Sovereign, nor of any of the Royal Family, nor of the Governor General or the person administering the Government of Canada; nor use offensive words against either House, or against any Member thereof. No Member may reflect upon any vote...

I am advised that this section in our Standing Orders has not changed in its wording since Confederation. I would suggest that its interpretation is a matter of whether it is respectful. The comment made by the Minister of National Defence certainly was not respectful of the hon. member of Parliament.

**The Speaker:** I am not going to hear more on this. I will look into the matter and come back to the House in due course. I thought I heard everything in question period that I could hear given the noise. I did not think anything was said that was out of order. I will look into the matter and come back to the House in due course.

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## GOVERNMENT ORDERS

[English]

### BUSINESS OF SUPPLY

OPPOSITION MOTION—DOCUMENTS REGARDING AFGHAN DETAINEES

The House resumed consideration of the motion, and of the amendment.

**Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.):** Mr. Speaker, this debate is especially important to my constituents of Esquimalt—Juan de Fuca because I serve the men and women at Canadian Forces Base Esquimalt and their families. They do a remarkable job. Canadians are deeply indebted to them for their work.

I am going to use the detainee issue as an insight for the public to examine the way in which the Conservative government has been operating since it came to power. The government operates in a way and utilizes tools which, for the most part, the Canadian public is not aware of because the government hides behind this place, Parliament.

In February 2007 allegations surfaced of abuse of three Afghans in Canadian custody. The Military Police Complaints Commission launched an investigation. In March warnings came from Mr. Richard Colvin, a heroic public servant, who came before committee and gave a dispassionate but critically important testimony. He did his job in the best traditions of a public servant in Canada.

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He spoke at that time and gave warnings to the government about torture that was taking place with detainees that were given to the NDS, the national directorate of security.

As time has progressed, the Conservative government has done everything in its power to block and prevent the truth from coming out.

More than anything else, this is important for our troops, for the Afghan people and for the success of the mission. I will get to that later.

In March 2009 the Conservative government definitely tried to delay the Military Police Complaints Commission hearing. In April the application was denied by the Federal Court and Mr. Colvin was subpoenaed to appear before the MPCC. The Conservative government was trying to block the work that the MPCC was trying to do.

What I found utterly shocking to learn and it is very important for the public to know, is that in July, when Mr. Colvin was giving his testimony, federal government lawyers were used to threaten witnesses not to participate in the MPCC hearings. Mr. Colvin said, and this is a matter of record, in the special committee that he himself was threatened by government lawyers. This would not come from the lawyers themselves; it would be a directive from the government. This is a complete abuse of their position.

In October, the MPCC shut down the hearings after the federal Conservative government blocked witness testimony and failed to produce documents. This all speaks to the reason we are here today and why the Liberal Party has put forth this motion in the House of Commons. We want to get to the bottom of this issue.

This debate would not be taking place if the government had given the committee the documents that the government gave to the witnesses. It failed to give those documents to the members of Parliament who sit on that committee. Is it not absolutely remarkable that members who sit on the committee were deprived and denied access to the very documents that witnesses had privy to? It is not, as the government claims, an issue of public security at all. It is an issue of obfuscation and stonewalling which has become the sine qua non of the government's behaviour not only in this area but in so many other areas.

Unbeknownst to many members of the public, the Conservative government has been foisting on all elements and arms of the Canadian federal government a culture of denial, secrecy, obfuscation, stonewalling and bullying. It has used an arsenal of hyperbole and partisan rhetoric to divide Canadians, not to unite them.

The modus operandi of the government is not to unite Canadians, it is to divide Canadians, to secure the 42% that the Conservatives need to get a majority. What kind of leadership is that? That is not leadership. It is the pursuit of political power over the public good. The public good is merely a backdrop upon which the government is playing its little games.

The tragedy of all of this is that the victims are our citizens, our country, our future and the potential that we could have as a nation.

● (1545)

The public service is also a victim. Let me give an example. I think the public would find it shocking to know that when any of us in opposition, as members of Parliament, meet with members of the public service who serve the government of the day, regardless of their stripe, there has to be somebody from the minister's office eavesdropping in on the meeting. That is right. In meetings that we have with public servants there has to be someone from the minister's office there in person listening in, eavesdropping in on the conversation and taking notes. That is what happens to us.

The fear that is happening within the public service is terrible. Public servants cannot do their job. Not only can they not serve the government of the day, but they cannot serve the Canadian people. That is offensive at a most fundamental level of democracy. Our public service is being abused in this and other ways, as we have seen with Mr. Colvin.

How on earth do we attract the best and brightest? How do we get the best out of our public servants? How do we attract, engage, encourage and foster the type of excellence our public servants have given to Canadians for generations? It cannot be done while holding a hammer over their heads threatening to knock them over the head at every turn. How and when does this happen? Here are a few examples of what the Conservative government has done to some of these people.

Adrian Measner, president and CEO of the Canadian Wheat Board, was fired in December 2006 for his decision to follow the direction of the farmer elected Wheat Board directors.

Johanne Gélinas, environment commissioner, was fired in January 2007 after publicly commenting to the media about not receiving sufficient information from the government about its made in Canada environment plan.

Yves Le Bouthillier, president of the Law Commission of Canada, was fired in September 2006 after all federal government funding for the commission was cut.

This next one is shocking given that the Copenhagen summit is taking place right now. Andrew Okulitch, a scientist with the Geological Survey of Canada, was fired in September 2006 for objecting to an order to turn federal correspondence into political propaganda. Mr. Okulitch refused to turn the federal correspondence into the political propaganda in the area for which he was responsible.

The list goes on. I have a list two pages long of people who have been abused. This speaks to that very serious problem of what is taking place, and it occurs in other areas.

The government does not like certain people, for example, people who have substance abuse problems. What does it do? It takes the Insite program to court to block people from having access to interventions that would reduce harm and save lives. What kind of government does that? In effect it causes people to die. We have a Conservative government that is engaging in policies to block treatments that are proven to be effective by some of the top scientists from around the world and, as a result of the government's actions, these people will die.

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This speaks to the issues I mentioned, including what Mr. Colvin has faced. The threats that have come down on his head are symptomatic of the kind of abuse that is taking place with respect to our public servants. In fact, the Government of Canada should send a letter to those wanting to be public servants saying, "If you are not with us, you are against us, and you need not apply". In essence, that is what the government is saying. The government does not want, as it claims, truth to power. It does not want excellence. It wants people to be lemmings and to do as it tells them to do. That is not a public service. That does not serve the Canadian public at all.

Mr. Colvin's testimony has managed to mobilize 70 former ambassadors to support Mr. Colvin in the fact that he is actually doing his duty.

The character assassination the Minister of National Defence did in this House, I think much to the embarrassment of his own party, and certainly to the embarrassment of Canadian people, is appalling and has to be stopped in its tracks. One cannot, and should not, do that.

Why is this important to the Canadian Forces? We are trying to get to the bottom of this issue, but the government has this little game that it plays. The parliamentary secretary was playing it just before question period. The government sidles up to the Canadian Forces, puts its arm around them, wraps itself in the Canadian flag and says, "We are with the Canadian Forces and everybody else is against them".

• (1550)

What a bunch of nonsense. Every single political party in the House of Commons supports the institution of the Canadian Forces, the men and women who serve the Canadian Forces and their families. The nonsense that has been portrayed and trotted out by the government is offensive.

As an example, the Prime Minister stands on one of our naval ships in front of our Canadian Forces and proceeds to lambaste the opposition. He uses the Canadian Forces as a backdrop. He uses the men and women of the Canadian Forces as a tool to hammer the opposition. That is not what the Canadian Forces are about. The Conservatives are using the Canadian Forces as a tool for their own political gain. They cannot do that.

In effect, while the Conservatives have been wrapping themselves around the Canadian Forces, claiming to be their best friends and utilizing them as a tool against everybody else, they have not been engaging in their responsibility, which is to have an effective plan for Afghanistan.

The government has looked at the Afghanistan mission through the narrow prism of the military. In effect, there is an insurgency that is primarily coming from Pakistan, not from within Afghanistan. An insurgency has to be defeated through political means, utilizing military tools as a backup to the political interventions.

The Conservative government has utterly failed in the four years it has been at the helm to come up with any political strategy for Afghanistan or Pakistan, which is where al-Qaeda is centred. It has not had any kind of national debate to bring together the best and brightest minds to deal with this. No, the Conservatives look at this through the military prism and by doing so, weaken and compromise

the lives of our Canadian Forces, the mission itself and the Afghan people.

Why is that important to the detainee situation? I must say that the members of our forces have exerted extraordinary restraint and professionalism in the field. That is without any debate whatever. They have been absolutely extraordinary.

With the failure to deal with these issues politically, the government has compromised our ability to do better in the mission and has compromised the lives of our forces. By having a political doctrine that has compromised the Canadian Forces by not dealing with the detainee issue, the Conservatives are burying their heads in the sand. They are not being proactive and it is destroying the hearts and minds aspect of the mission.

In the words of Mr. Colvin and others who have been in Afghanistan, many of the individuals were simply at the wrong place at the wrong time. Farmers, peasants, ordinary rural folk have been caught and tortured. What happens when they are tortured? The people who pick them up become the problem. The government's political failures are actually causing a failure in the mission that is out of the hands of the Canadian Forces. It compromises the lives of Canadian Forces members, the mission and the lives of the Afghan people.

What has the government failed to do? First, in terms of an overriding objective, we went into Afghanistan to get rid of al-Qaeda, a job done very quickly by our forces and others and well done at that. We did not, however, go into nation building. This mission has quietly morphed into a nation-building exercise.

Also, the insurgency coming from Pakistan has not evoked the government to come up with a political strategy for Pakistan. Then it talks about the Taliban being some monolithic structure. What a bunch of nonsense. The Taliban is a heterogeneous structure made up of warlords, common thugs, religious zealots and people whose family members have been killed or harmed by coalition forces.

The three major groups in the insurgency are the ones by Mullah Omar and warlords Hakani and Hekmatyar. Those are the three major insurgencies from Afghanistan. Do we hear anything about that from the government? Does it have a plan to deal with this? No, not at all.

• (1555)

What the government is doing, in effect, by its political failure, is actually sowing the seeds of a potential Vietnam quagmire. It is our men and women out there in the dirt and dust in very difficult circumstances who are paying the price of this. The irony of it all is that while the Conservative government wraps itself up in the flag and the Canadian Forces, its political failures are in fact compromising the lives of our men and women in uniform. That is absolutely inexcusable.

**Hon. Gary Goodyear:** You sent them there.

**Hon. Keith Martin:** However, Mr. Speaker, we have not heard any kind of plan of action whatsoever for how to deal with the mission at hand. Here are a few suggestions and a few reality checks.



The traditional structure of government in Afghanistan is Pashtun-led. President Karzai is Pashtun, but he is not who the Pashtun want. In fact, the security structure within Afghanistan is controlled by Tajiks. This is a complete turnaround and a completely unnatural situation given the traditional power structure within Afghanistan.

The security forces and the security situation are controlled by members of the Tajik tribe who are part of the mujahedeen, the individuals the Taliban kicked out because they were corrupt and abusive of the people.

The government has no plan to address that problem, so the inter-tribal problems and the abnormal and unnatural structure that exists right now in Afghanistan are not being addressed. There will be no peace in Afghanistan unless that is addressed.

The government of Mr. Karzai is predatory, venal and corrupt. Is there a plan to deal with the corruption in that government? The government talks about, but there is none. The fact of the matter is that corruption kills. Corruption is the cancer that will prevent the mission from being successful and prevent the Afghan people from being able to enjoy the safety and security they have wanted for decades, the same things that we all want.

The reality is that the government has simply failed miserably to have any plan whatsoever to do that. Ultimately, security is up to the Afghan people, not the western forces. Increasingly, we are seen as part of the problem in Afghanistan. While President Obama has chosen to do institute a troop surge, which I personally think is an error on his part, what we must do is to have political solutions that can deal with this issue. What may some of those solutions be?

First, there needs to be a doctrine to deal with the corruption within Mr. Karzai's government, not zero tolerance, but one in which we can take a much firmer line.

Second, there needs to be a transparent reporting mechanism so that the Afghan people can know where the moneys are going. The money should go toward primary services and health care education as well as security.

A political process must be instituted to encourage various members of the Taliban leadership to be part of the political solution and the power structure within Afghanistan. If we hive off elements of the Taliban and are able to weaken the Taliban, that would enable them to be part of the political solution and for Afghans to have ownership of their country.

A regional working group must also be instituted, involving Afghanistan, Pakistan, China, India, Iran and others in the region. These countries must be at the table because their interests have to be congruent with the future and interests of a stable Afghanistan. India and Pakistan are part of the problem in Afghanistan, so in essence Afghanistan's future in some ways lies outside the country. That has to be dealt with.

The government is focusing through a narrow prism with respect to the mission in Afghanistan. It is a very complex situation there and requires a coherent, intelligent and well executed political solution that focuses on enabling the Afghan people to be masters of their security forces. Afghanistan will not be a democratic, western-

loving, human rights respecting nation. It is the Islamic Republic of Afghanistan. Therefore, we have to change our goals.

In the end, it is up to our government to implement these solutions. Failure to do that fails our troops, fails the people of Afghanistan and fails the people of our country.

●(1600)

**Hon. Jim Abbott (Parliamentary Secretary to the Minister of International Cooperation, CPC):** Madam Speaker, with all of the wonderful highfalutin words that our interlocutor just spoke, I wonder how he feels about the fact that the motion as written will lead to a situation where there will be uncensored, unredacted, uncontrolled information that will ultimately be available on the Internet for the Taliban to be able to plot and plan and do whatever they wish.

I wonder if he could explain to us how he feels about the fact that the motion will also put Canada in a position of not having any allies who will trust us with the information that we so desperately require to carry out this work that he is speaking about so pompously.

I find the position of the hon. member and his party, the position of the opposition, to be politically opportunistic and very, very shallow.

I wonder how he would feel in the event of a possible death as a result of this motion.

●(1605)

**Hon. Keith Martin:** I see my colleague has swallowed the Kool-Aid, Madam Speaker. It is a nonsensical comment that somehow the information that is to be released to members of the committee will somehow be a security threat.

The reality of the situation, and I ask my hon. colleague to reflect upon this, is that the witnesses received the information and the members of the committee simply want to receive the information too.

**Hon. Jim Abbott:** That isn't how the motion reads.

**Hon. Keith Martin:** On our side, we have Privy Council members who are sitting there at the table, and members from the government also. All that the members of the committee want is to have access to the same information the witnesses had when they came before the committee. That is simply the right thing to do.

Legal precedent respects this, the principles of Parliament respect it, and the government should stop hiding behind its arguments, which are only made to scare the public for political gain. It needs to stop utilizing these tools and to do the right thing, instead of hiding behind these absurd arguments that hold no water whatsoever.

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Madam Speaker, I listened with interest to my colleague from B.C. I am very happy that the Liberal Party has caught up to the NDP. The NDP was the first to call for a judicial inquiry and the first to call for the minister's resignation. The Liberal Party, creaking and groaning, but getting there nonetheless, has now followed the NDP on those recommendations. It did take some time, but it did get there.

*Business of Supply*

The problem we are facing, as the member well knows, is far greater than this particular case. It is a systematic pattern of obstruction by the government. Unfortunately, the examples the Conservatives take are from the previous Liberal government, which consistently withheld information from Parliament.

Therefore, my question is very simple. Does this signal a change in Liberal policy? Are the Liberals now willing to say that they were wrong before but now believe that Parliament should be receiving these kinds of documents in this kind of situation? Does this indicate very simply that the Liberals are asking for forgiveness for their past?

**Hon. Keith Martin:** Madam Speaker, I think the member has made an assumption that is utterly false. The reality of it is that the Liberal Party has been calling for truth and transparency on this issue in a non-political way for the sake of our troops and our mission.

The members over there, and all members in fact, want to make sure that the mission will be successful, but above all else that our troops will be safe and secure. We cannot have a situation where our troops are put in a compromised situation because of a political failure the government has authored with its own pen.

The reality is that the government needs to rectify this situation. There is no harm in, and the Conservatives should fear nothing from, coming clean on this issue, so that the truth can come out and such a situation cannot be repeated.

I also ask the government to look at the way it treats its own public servants, because the type of abuse that is being thrown on the head of Mr. Colvin is certainly something that cannot continue and is really a blight on the record of the government.

**Mr. Paul Szabo (Mississauga South, Lib.):** Madam Speaker, we have already established that this is a constitutional privilege of Parliament, that it is in the Standing Orders and has been extended to committees of the House. Even the parliamentary law clerk has given his opinion that under the Canada Evidence Act, notwithstanding public safety and national security interests, it is available.

There is already information in the public domain that a detainee in the custody of Canadians and released to the Afghans was in fact tortured. The issue at question is whether or not it happened. The government was saying no and now, all of a sudden, evidence has come out. I also understand that embedded journalists have information as well, including film, and that more will be coming out.

I wonder if the member would care to comment on this. The government simply has to stop the stonewalling and the cover-up and make sure that we take the appropriate steps as we move forward on this. It just needs to stand up and be responsible for its actions or, in fact, its inaction.

• (1610)

**Hon. Keith Martin:** Madam Speaker, it is the constitutional right of Parliament to demand information and it is the supremacy of Parliament that trumps other provisions of the laws. The fact is that what the Conservative government member said is utterly wrong.

We are not asking for information on operations or information that is going to detail the operational needs or the current situation of

our Canadian Forces members. We do not need to find that out, but we do need to find information that is specific to these events. We also need to make sure that this does not happen again. That is the issue, but it also goes to our ability to win in this mission and to win the hearts and minds of the Afghan people.

Our Canadian Forces members are doing their job there. The members of the provincial reconstruction team are doing their job. Our allies are doing their job. However, if Canadians are put in a situation where they are doing things that are going to harm these efforts, because of failure in the political doctrine of the Conservative government, then, in effect, the Conservatives are harming the very mission that so many of our men and women have given their blood, sweat and tears for, and to which the Canadian public has given significant amounts of money.

I do not think it should be seen in some superficial way, but I think the government also needs to utilize this as a springboard to deal with the larger issue of the mission in Afghanistan, what it is doing, what its objectives are, how it is doing it and how it is integrating with other groups while looking at the political strategy for the mission in Afghanistan in a broad regional context. Only in the regional context will we be able to deal with this mission and ensure some semblance of security for the Afghan people into the future.

**The Acting Speaker (Ms. Denise Savoie):** Questions and comments.

The Minister of State for Science and Technology, a very brief question.

**Hon. Gary Goodyear (Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario), CPC):** Madam Speaker, perhaps I will just make a comment. The fact is that we are debating a motion here that is asking the government to release information that could in fact entail something as simple as a soldier's name, middle name, address and perhaps phone number. It is information that the Taliban are hoping they can get their hands on, not just to attack that soldier but also potentially to put the family of the soldier at risk.

That is exactly what this motion says. This member has not read the motion.

With my final comment, I want to remind the member that it was the Liberals who put us in Afghanistan without a debate in 2003. We have fixed their mess; this happened under their watch.

We have no problem with dealing with committees as long as folks on committees are not using Twitter. However, what we will not do is to release information that is in the national interest, so that our allies can continue to—

**The Acting Speaker (Ms. Denise Savoie):** I would like to give the hon. member for Esquimalt—Juan de Fuca time to respond. He has 30 seconds.

**Hon. Keith Martin:** Madam Speaker, it is interesting that the members from the other side all have the same talking points. They all churn out the same nonsense. They are not willing to utilize their own God-given intellect to be able to deal with a very important issue.

What I would impress upon the members from the other side is to look at this clearly, understand that what they are saying is a bunch of nonsense and to get to the heart of the matter, so that we can resolve this issue and have a proper mission in Afghanistan with a proper structure and proper political solution to deal with this very serious and important issue.

[Translation]

**Ms. Francine Lalonde (La Pointe-de-l'Île, BQ):** Madam Speaker, I am pleased to see you in the chair this afternoon.

Over the past few weeks, we have witnessed extraordinary events in the House. I was first elected in 1993, and I have seen a lot of brouhaha since then, but never like this. This is the kind of brouhaha that prompts us to ask questions about the role of parliamentarians.

I read a legal opinion provided by Rob Walsh, law clerk and parliamentary counsel. He is a senior parliamentary officer. He produced a document concerning the constitutional role of the House and its committees. I will read excerpts from it because I think he makes a good point and a strong one in the context of this debate.

He says:

As I indicated in my earlier letter, it is important to remember that the Committee, charged by the House with reviewing Canada's mission in Afghanistan, is at all times to be seen as carrying out its constitutional function of holding the Government to account. This is fundamental to responsible government and more particularly to the relationship between the Government and the House and its committees—

Is that strong enough? I will go on.

—and provides the constitutional basis for the demands made by the Committee upon the Government for information and for the Government's obligation to provide to the Committee the information it needs to carry out this function. The law of parliamentary privilege provides that this relationship operates unencumbered by legal constraints that might otherwise seem applicable.

I invite my hon. colleagues to read the rest of this legal opinion. Not only does it confirm the legitimacy of the motion that was moved this morning and has the support of the opposition parties, but at the same time, it confirms the importance of the parliamentary role of the committee as well as the constitutional role of parliamentarians and the committee. I invite my Conservative colleagues, some of whom might feel like they are being attacked by some of our questions or opinions, to reflect carefully on this. It is directed at all members—not only the opposition members, but also members on the government side. It says much about the importance of committees.

I would like to thank Mr. Walsh for having written this opinion and I think it could prove very useful in the future. However, why was this needed?

On the one hand, a great deal of time would be required, but my colleagues have already taken quite a bit of time. On the other hand, I would like to revisit a few crucial aspects.

• (1615)

After the attack on the twin towers in 2001, our world, not the entire world, but our world—where “our” world ends is up to each of us—found itself thrown into a state of war unlike any we had seen, I think, since the second world war and the Korean war. It is a context to which our minds, hearts and politics are not accustomed, a context which deserves our attention, and one in which we need to identify our principles.

## *Business of Supply*

### ROUTINE PROCEEDINGS

• (1620)

[Translation]

#### CANADA'S ENGAGEMENT IN AFGHANISTAN

**Hon. Stockwell Day (Minister of International Trade and Minister for the Asia-Pacific Gateway, CPC):** Madam Speaker, with the greatest respect for the member and in the interest of the members, I would like to table some documents.

[English]

As a point of interest and based on timing, I am considering the coincidental matters which the hon. member is speaking to. In accordance with Standing Order 32(2), I have the honour to table the sixth quarterly report on Canada's engagement with Afghanistan.

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#### EXPORT DEVELOPMENT CANADA

**Hon. Stockwell Day (Minister of International Trade and Minister for the Asia-Pacific Gateway, CPC):** Madam Speaker, I also have the honour to table the government's response to the legislative review of Export Development Canada.

### GOVERNMENT ORDERS

[Translation]

#### BUSINESS OF SUPPLY

##### OPPOSITION MOTION—DOCUMENTS ON AFGHAN DETAINEES

The House resumed consideration of the motion, and of the amendment.

**Ms. Francine Lalonde (La Pointe-de-l'Île, BQ):** Madam Speaker, I cannot wait to read it.

I was saying that since 2001, a number of countries—the United States first and foremost, but also NATO, which is growing larger with the addition of the eastern European countries—have plunged into another world. That means that we have to review and take a fresh look at the principles that will apply. I say “we” because I am putting everyone in the same boat to start.

It is not easy, because this is not a traditional war. We are fighting a dirty war over there. We therefore have to develop principles that are going to allow us—we are still thinking about that—not necessarily to win the war, but to enable the Afghans to regain control of their country and develop it with our help.

By the way, I am anxious for us to talk about this. We are supposed to discuss it in committee first, and then in Parliament, but we must do so. How are we going to keep going after 2011? We have to carry on, not to wage war, but to help Afghanistan develop.

Canada sent soldiers into this situation and was supposed to know how to comply with the Geneva conventions. I do not know to what extent they were studied. It may be that they were not studied at all. It seemed that what was most important was to be strong, to win the war and to help the people.

*Business of Supply*

We hear ministers and generals talk about how hard they have worked. I do not doubt that, but the fact remains that the Geneva conventions were drafted to tell countries how to treat detainees in war time, or if they are in a war zone and they are taking detainees.

We have to read the Geneva conventions. We certainly have all the documentation we need right here. The respect we owe the detainees, from the accommodation we provide them to the way we treat them, in every way, shape or form, is nothing less than respect for their rights, even if we view them as criminals before they even go trial. That is the rule.

And the rule is such that if a country responsible under the Geneva conventions—either the country providing assistance or the country receiving assistance—detains someone, transfers him and suspects that the detainee will be mistreated or tortured, that country has no right to transfer the detainee.

● (1625)

Does that pose real problems? I am sure it does. We have been told repeatedly that Afghan prisons are poorly built and poorly equipped and that the prisoners are malnourished. This has been well documented. We have also been told, and this too has been amply documented, that the conditions in the prisons are conducive to torture and there is indeed torture. These are standard practices. Just read the report of the Afghanistan Independent Human Rights Commission. The commission conducted a major study on a sample of 398 prisoners. Of those, 57 detainees from Kandahar were identified as having been tortured. That is a substantial percentage.

Was it difficult to manage under these conditions? I think it was extremely difficult. Other countries have taken a different approach and have not agreed to transfer detainees to the Afghan authorities, knowing the state of the prisons and how the detainees are treated there.

That is not the purpose of this debate. However, it does help explain our anger. This is a false debate. We are right in saying that, in most situations, the signs were there and the government should have stopped transferring detainees. The government has said that, at first, it relied on the Red Cross. However, in the first agreement that was quickly negotiated and signed by General Hillier, Canada did not have full access, nor did the Red Cross.

Full access was necessary. In other words, they should have had access to the detainees at any time. There was a responsibility to keep exact written records of the detainees in order to know what happened to them. We should not forget that, in the Afghan prisons, these detainees could meet guards whom they had fought, or relatives of the guards might have been killed or injured by the detainees. When exact written records of detainees are required, there must be access to them. Without access, you cannot keep the records.

I tried to read the redacted documents we received. The bits that are visible at least allow us to understand that there was a great deal of discussion about transferring the detainees, under what conditions, and about the fact that they were unable to keep records. Someone said—and these were the exact words—“We have not tracked them for two months. Imagine what can happen in two months.” Someone wrote that.

There was no follow-up between December 2005 and May 3, 2007. There may have been good intentions, but there was no follow-up. Who can guarantee, in such cases, that the prisoners were not tortured after being transferred, even though we placed our trust in the process? After all, someone also wrote that Afghanistan was assuming responsibility for them.

● (1630)

This is explicitly prohibited in the Geneva convention. The country that is transferring the prisoners remains responsible and cannot transfer that responsibility.

Since that country remains responsible, if prisoners are transferred and the conditions are what they are, if there is a serious risk that the prisoner could be tortured, this contravenes the Geneva convention. That means that we could be penalized for contravening the convention.

I tried to paint a general picture. When I was young, I was a history teacher. I always made an effort not just to learn, but also to understand. What has been going on for the past few weeks? The government prevented Mr. Colvin from handing over documents that he had sent to a number of people as warnings. He had sent 18 or 19 documents all over to say that this or that could not be done. I think he said that it made no sense and that Canada would probably tarnish its reputation.

I hope that after this debate we will be able to see the documents in question.

We also heard testimony from individuals without any admission that a mistake had been made.

It makes sense that this issue would become explosive during oral question period in the House of Commons. But that is not what we want. What we want is to find a way to allow Mr. Colvin to testify, to get the documents and to restore Canada's reputation.

[English]

**Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC):** Madam Speaker, I have found evidence of torture in Afghanistan:

YOU must become so notorious for bad things that when you come into an area people will tremble in their sandals. Anyone can do beatings and starve people. I want your unit to find new ways of torture so terrible that the screams will frighten even crows from their nests and if the person survives he will never again have a night's sleep.

This was under the heading “I was one of the Taliban's torturers: I crucified people”, as reported by Christina Lamb on September 30, 2001.

Today's motion, by design or not, may provide information to assist the cause of the insurgents to rid Afghanistan of the protection that UN-sanctioned forces provide.

As a member of the separatist party, why does the member opposite want to put the lives of our soldiers in danger?

*Business of Supply*

●(1635)

*[Translation]*

**Ms. Francine Lalonde:** Madam Speaker, I would like to point out to my colleague that many of the soldiers who lost their lives in Afghanistan were Quebecers. I would also like to point out that Quebecers are brave and disciplined. Not a single officer has reported failure to comply or even to participate. They are enthusiastic and energetic in their work and in engagements.

I am a separatist, and yes, my goal is independence. However, those of you who have been listening will have heard me say that the situation we find ourselves in is one we share. We are still part of Canada because that is what Quebecers want. We are loyal, and we participate in the debates. You should be glad that we care about working to restore Canada's reputation.

**The Acting Speaker (Ms. Denise Savoie):** I would remind all members to address their remarks to the Chair.

*[English]*

The hon. member for Mississauga South.

**Mr. Paul Szabo (Mississauga South, Lib.):** Madam Speaker, I know the member has been involved in foreign affairs files for many years during her career as an hon. parliamentarian.

The issue here ultimately comes down to this. It appears that Canada has been in violation of international law, the Geneva Convention, and this is the allegation. I heard the words of the member for Cambridge already, but I do not believe the House has been reminded often enough of the terms under which it would be determined that someone would be in violation. It is not a matter that we simply think that something happens, it is a matter of whether we are aware. Just by being aware that there is the possibility, I believe we could be in violation of international law.

Maybe the member could answer this question. Why is it so important that we clear our name to ensure that the reputation of Canada continues to be in favour of human rights?

*[Translation]*

**Ms. Francine Lalonde (La Pointe-de-l'Île, BQ):** Madam Speaker, the important thing is to launch an inquiry. We need an inquiry to figure out who is responsible for what and to restore Canada to its rightful position.

*[English]*

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Madam Speaker, I appreciated the member's answer to the government member's insightful wedge type question that we have heard from other government members as well, trying to incite people in the House.

My colleague, the member for Ottawa Centre, made an observation earlier today that may provide an ultimate solution here. Countries such as the United Kingdom and Holland have a very transparent system with regard to detainees. In fact, in Holland, the parliament has to be informed whenever a detainee is transferred. When the government finally extracts itself from the current mess it is in, maybe it should look to best practices elsewhere to develop a better system.

As far as the Liberals are concerned, it is nice to see, since they got us into this mess in 2003 without a debate in the House, they at least are willing to have the public inquiry to include their time in office. However, I am particularly upset with the government. When I asked a question about why the government leaked Mr. Colvin's memos to the media and why it was obstructing the parliamentary committee's request for documents, Conservatives deliberately hid from that question. The Conservatives will not answer the question. They go around and answer any other type of question they can, but not that one. Could the member give me some observations as to why she thinks they are doing that?

●(1640)

*[Translation]*

**Ms. Francine Lalonde:** Madam Speaker, it seems to me that the government chose the worst possible way to manage this situation. As my colleague said, the Dutch and the British are much more transparent about the situation they find themselves in because of this awful war.

Furthermore, from the beginning in 2005, the agreements should have been more similar to the Dutch and UK agreements. I am sure the whip will recall that that is what I recommended back when he was the defence minister. He did so in the end, and he told the committee on April 25. The agreement was signed on May 3, but when he told the committee, it was a done deal, which surprised us.

*[English]*

**Hon. Gary Goodyear (Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario), CPC):** Madam Speaker, I understand the member's passion and I listened very carefully to the member state that there are in fact different levels of security. The member would know, going to committee, that some documents are secure for Canadians and some are internationally secure. There are probably six levels of security. Many of us have the opportunity to share in some of those levels.

With respect to releasing documents and this particular motion, would the member not agree that there is a need, for a nation that deals with other nations and has information from other nations in order to work together in the best interests of the national security of democratic nations around the world, that not all information in all documents can be released?

I remember being in a committee where the member for Mississauga South would not release documents that had no security implications. It is—

**The Acting Speaker (Ms. Denise Savoie):** Order. I must interrupt to give the hon. member time to respond within the 30 seconds remaining.

The hon. member for La Pointe-de-l'Île.

*[Translation]*

**Ms. Francine Lalonde:** Madam Speaker, I am thoroughly convinced that if the government had not adopted such a completely closed attitude, if it had been open to discussing documents that could have been disclosed and others that might be more sensitive, I am sure the committee would have found a way to discuss them.

*Business of Supply*

But when that is not possible, we must exercise our rights, and that is that. Mr. Walsh informed us of our rights.

**ROUTINE PROCEEDINGS**

• (1645)

[English]

**COMMITTEES OF THE HOUSE****NATIONAL DEFENCE**

**Hon. Gordon O'Connor (Minister of State and Chief Government Whip, CPC):** Madam Speaker, I rise on a point of order. I think if you were to seek it, you would find agreement for the following motion. I move:

That, in relation to its study of Arctic sovereignty, 12 members of the Standing Committee on National Defence be authorized to travel to Yellowknife, Northwest Territories; Elmendorf Air Force Base, Anchorage, Alaska, U.S.A.; and Winnipeg, Manitoba, in February/March 2010 and that the necessary staff accompany the Committee.

**The Acting Speaker (Ms. Denise Savoie):** Does the hon. member have the unanimous consent of the House to move this motion?

**Some hon. members:** Agreed.

**The Acting Speaker (Ms. Denise Savoie):** The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

(Motion agreed to)

**TRANSPORT, INFRASTRUCTURE AND COMMUNITIES**

**Hon. Gordon O'Connor (Minister of State and Chief Government Whip, CPC):** Madam Speaker, I think if you were to seek it, you would find agreement for the following motion. I move

That, in relation to its study of high speed rail in Canada, 12 members of the Standing Committee on Transport, Infrastructure and Communities be authorized to travel to La Pocatière, Québec, in January/February 2010 and that the necessary staff accompany the Committee.

**The Acting Speaker (Ms. Denise Savoie):** Does the hon. member have the unanimous consent of the House to move this motion?

**Some hon. members:** Agreed.

**The Acting Speaker (Ms. Denise Savoie):** The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

(Motion agreed to)

[Translation]

**The Acting Speaker (Ms. Denise Savoie):** 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 Gatineau, Museums; the hon. member for Etobicoke North, Health.

**GOVERNMENT ORDERS**

[English]

**BUSINESS OF SUPPLY****OPPOSITION MOTION—DOCUMENTS REGARDING AFGHAN DETAINEES**

The House resumed consideration of the motion.

**Mr. Paul Szabo (Mississauga South, Lib.):** Madam Speaker, today we are debating an opposition motion that is actually bringing to the floor some fundamental issues with which there is disagreement, and depending upon how that is disposed of, it will affect how parliamentarians will be able to discharge their responsibilities.

The first element has to do with the constitutional right of parliamentarians to call for persons, papers and records. I would refer members to the publication called *The Power of Parliamentary Houses to Send for Persons, Papers & Records: A Sourcebook on the Law and Precedent of Parliamentary Subpoena Powers for Canadian and other Houses*, authored by a member of Parliament, the member for Scarborough—Rouge River, back in 1999.

In the book, on page 29, he makes general references but I will just read one of them. It states:

As Maingot notes, “a privilege may not be diminished, prejudicially affected, or repealed save by express statutory enactment to that effect.”

The right to call for persons, papers or records is a constitutional right. It is also in our Standing Orders, as the members are well aware, and it has been used often in committee. The issue before us in part has to do with the Canada Evidence Act, paragraph 37-38, which essentially deals with an exclusion with regard to public or national security or safety.

It states that in the powers and in parliamentary privilege issues, the only way that the power can be exempted or taken from Parliament is if it is in a specific statute, specifically expressed, and that is the subject-matter with which the Law Clerk of the Parliament of Canada gave his opinion to the committee.

I was there when former General Hillier and two other generals gave testimony before the committee. Each of those three persons, even former General Hillier, had copies of the documents in question, unredacted. They had the full information and they were in fact giving their testimony with the full knowledge of all the details.

I thought it was kind of interesting that they all basically gave the same story that there was nothing in these documents that would tend to indicate that no torture took place of detainees turned over by Canadians. The committee had asked for these documents. There was the problem of having to have them translated before they could be circulated to the committee, but ultimately some of the documents were received and they were redacted. Some of them in fact were totally blacked out.

It begs the question, why is it that the government is prepared to say, and the witnesses on behalf of the government are prepared to say, that there is nothing in here that would indicate any evidence whatsoever of any torture being suspected or having taken place; not one instance, not one case, to quote the Minister of National Defence? The government says, "It is clear, you do not have to worry about it, but we are not going to give you the documents so that you can satisfy yourselves".

This is a fundamental issue in terms of parliamentary privilege. It is a fundamental right of parliamentarians to have access to information, and for parliamentarians who are sitting at the committee and want to ask questions of witnesses, how can they ask questions of witnesses when they do not have all the information that the witness has?

How can we test them on the veracity of their testimony? How can we get to the nub or the point that we are trying to get at without having the information before us? The members did not even have the redacted information when these witnesses were called, but members at the committee said, "We want the assurance that we have the right to recall these witnesses once we eventually get the documents".

It is pretty clear, if we look through the various events that transpired with this special committee on Afghanistan, that there seems to have been what some would describe as obstruction of the committee to do its work. That is so fundamentally wrong if parliamentarians are unable to discharge their responsibilities and to exercise their rights to ask those questions. That is substantively where the debate has been going so far.

● (1650)

Today there is a motion before the House which I think comes on the basis that we have not been able to get the information, but we have the evidence coming from the Chief of the Defence Staff, General Natynczyk, who has now come forward and indicated that yes, there was a clear known case where a detainee in the custody of Canadians was turned over and that detainee was abused.

There is more to come. I am absolutely convinced of it because I have also heard stories myself coming from journalists who were embedded in theatre in Afghanistan. They have an interesting situation. If members would want to try to find out they should ask what are the rules of the game guiding embedded journalists? Can they disclose any information on things that they have personally witnessed? They have taken film. They are censured before and after. Is all the film accounted for? My understanding is from what I have been told, it is hearsay though, that in fact some film does exist in the public domain, clear evidence of further examples of torture.

That is going to come out because we cannot expect that people are going to hold on to this when it is so vital to the public interest. Canadians, as the previous speaker said, are very concerned that somehow it is not a matter of the military. It is a matter of the direction of the military and that comes straight from the government. The government is the one who is responsible. The government is the one who has put roadblocks in the way of parliamentarians getting the information.

### *Business of Supply*

There is no question that parliamentarians do not want to somehow put Canada in a position of embarrassment or any other sanctions. I think the concern is that parliamentarians want to be absolutely sure that we are now doing the right thing and that if there is a problem that it is corrected.

In fact, before all of this occurred the Minister of National Defence had actually said that the protocol for turning over detainees was inadequate. Therefore, in 2007 the government came out with a new protocol.

If the government said it was inadequate from the previous government, why was it not changed immediately? It begs the question. It cannot just say it was inadequate so it came out with something else in 2007. However, in the interim, under its watch, things were happening. The allegations were there.

Mr. Colvin testified to that. We have subsequently had so many former ambassadors come forward and defend the right of a whistleblower to do this. This the right thing to do, to say there were concerns. Those concerns were raised at various levels but also at the highest level and they were suppressed or denied.

Very slowly this cover-up is being taken apart and the information is coming out. I think the Chief of the Defence Staff, General Natynczyk, did the right thing, the honourable thing. He said that he found that information, it was true, and here it is. He did it as soon as he found out. The government however has not.

Whenever the matter is raised, the government's approach is to attack back and say that we are doing this because we do not stand behind our troops. That is just a strategy. Flip the channel, change the channel, get the attention somewhere else and say "They're the bad guys and we're the good guys".

The issues before the House ought to be focused on. When people start to switch the channel, we know that we are on the right track. When they start to heckle and yell, we know we are on the right track.

This is an issue before this place which is fundamental to the supremacy of Parliament to call for persons, papers and records to get to the truth and to do the right thing. That is why we are fighting for this. That is why the majority of the House supports this motion.

● (1655)

The motion is asking that, and I will not read it all, the House provide in original and uncensored form:

all the documents referred to in the affidavit of Richard Colvin dated October 5, 2009;

He was the first witness before that committee. It also asks:

all documents within the Department of Foreign Affairs written in response to the documents referred to in the affidavit of Richard Colvin, dated October 5, 2009;

all memoranda for information or memoranda for decisions sent to the Minister of Foreign Affairs concerning detainees from December 18, 2005 to the present;

all documents produced pursuant to all orders of the Federal Court in *Amnesty International Canada and British Columbia Civil Liberties Association v. Chief of the Defence Staff for the Canadian Forces, Minister of National Defence and Attorney General of Canada*;

all documents produced to the Military Police Complaints Commission in the *Afghanistan Public Interest Hearings*;

### *Business of Supply*

all annual human rights reports by the Department of Foreign Affairs on Afghanistan; and

accordingly the House hereby orders that these documents be produced in their original and uncensored form forthwith.

There is a suggestion that somehow these documents, if released, would create a further risk to our military, either as individuals or collectively. We have been at war in Afghanistan for a long time. I do not think it is a secret. I do not think there is anybody on either side of the conflict who is unaware that there are tens of thousands of people in theatre from a variety of countries, and more coming.

To somehow suggest that an individual soldier might be at risk because of information coming out, we have tools to work with that. If the Minister of National Defence were acting in good faith, he would not tell us why we could not have the documents presented to this special committee. He would tell us how we could have them. The difference is we do have tools.

I had suggested this earlier in this whole chronology of events was this. This is a special committee dealing with this. Since most of the members on the committee are already privy councillors who are sworn to secrecy of state secret information, the others members could also be sworn in and bound to secrecy. They could then have access to documents, look at them and if there were a case, say we needed to protect the information.

I think they can start off with the Colvin documents. If the witnesses presenting to the committee say that they did not notice anything that gave them any indication whatsoever that there was any evidence of torture, then why would they be reluctant to release that to the committee members so they could satisfy themselves.

It is a disconnect. If there is nothing there, and if three generals are prepared to say there is nothing in there, why is the government saying that it will only give us the blacked out version. Why not swear them in? Why not go in camera? Why not give them a chance to look at it and demonstrate that the government can be trusted on this?

The actions of the government thus far have been that members do not trust it. It has nothing to do with whether we have the greatest respect for our military. The trust in our military is not the question. It is the trust in the government.

The government has not shown good faith. As a consequence, Parliament is now seized with a motion before it, saying that we have to do something about this because this is not going away. The government, at its own peril, is going to continue to play this game, to cover up the facts and the details until it is whittled out. Other stuff will come out, and the government knows it. It always does.

About an hour ago the minister tabled in the House the quarterly report to Parliament for the period of July 1 to September 30, 2009. There are some interesting developments to report upon, an election and all other good things.

● (1700)

The report is really only 13 pages long if we forget the attachments. I think this is really important because it tends to go to what we are talking about right now. The conclusion says, "This is a conflict of utmost complexity in the region of violent instability. We share this difficult mission with our close allies under UN

authority and, most importantly, with the Afghan people. Although the endeavour remains risky and the outcome far from certain, Canada's mission in Afghanistan underscores the values that Canadians themselves hold dear".

That is why we are there, to underscore the values that Canadians themselves hold dear. The value is respect for international law and international human rights. That is the value. The government may put it in a report, but I do not think it believes it. I do not think it really believes that human rights are worth fighting for. I do not believe it has given any indication that it will protect and defend human rights. I cannot believe all of the different things that have happened.

**Hon. Gary Goodyear:** Are you kidding me? Madam Speaker, he is insulting the soldiers that died protecting human rights.

**Mr. Paul Szabo:** The member for Cambridge is going to rant. That is fine. He can do that. The law clerk gave an opinion to the committee. The Department of Justice lawyers challenged it. They said that there was an override because of sections 37 and 38.16 of the Canada Evidence Act. The member for Scarborough—Rouge River was involved in that to make absolutely sure that it did not override the powers and privileges of Parliament.

It is clear. He gave a second opinion. He said that they never explained. The lawyers from the justice department just said that they rejected the advice of the parliamentary law clerk, the person who had the resources necessary to advise parliamentarians of the legal ramifications of things and our legal rights. The second opinion said that he totally dismissed the justice department's assessment of whether the Canada Evidence Act applied here.

The issue is that Parliament has a constitutional right. It is in the rules and privileges. Regarding the issue of this committee, there are tools to have done this. To get it down to its simplest form, one has to go back to the initial documents that the three witnesses had in the second meeting after Richard Colvin was before the committee. They had the documents. They testified there was nothing there that would indicate there was any concern about torture or releasing detainees where there was a concern of torture occurring.

If that were the case, why would the government simply not take all reasonable steps to satisfy the committee that this was the case? The government said that it could not give the committee anything in time for these witnesses, so members would have to go on the fly based on what the witnesses said and not what they knew. The government said that it would have to translate the information, so it would take a bit longer. It said that when it gave it to the committee, there would be a lot of blacked-out pages because it was very sensitive and could be a problem.

That is not the case. The witnesses said it was not the case. The testimony of those witnesses said that there should have been nothing blacked out, but it was. Why? Because the government is covering up. The government is caught and the government will to have to be accountable.



All the government does is throw it back and say that we have no respect for or do not support our military. When people hear that, they know the government is just trying to change the channel. It does not want to be accountable and it does not want to respect the rights and privileges of Parliament.

● (1705)

**Hon. Gary Goodyear (Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario), CPC):** Madam Speaker, the member mentioned that we have the tools and one of those tools is redaction. I would like to remind the member of that because he chooses to forget.

The member has a lot of experience as a chair of a committee. In fact, he is the chair of the so-called ethics committee. When we were on the ethics committee, we put up a list of a number of witnesses that we wanted to hear from and that member denied the entire list. The member also did not get documents to committee members while we were doing our work on the so-called ethics committee.

As a past chair myself, our committee had opinions from Mr. Walsh and we fully respected those opinions. Mr. Walsh is the epitome of this area as a member of the legal advisory committee. When we put forward funding for our troops, members of the Bloc voted against that, but that is another story. Mr. Walsh gave an opinion to our committee.

If I may, Madam Speaker, for the chirping on the other side—

**The Acting Speaker (Ms. Denise Savoie):** Order, please. The hon. minister can finish his question.

**Hon. Gary Goodyear:** I appreciate that very much, Madam Speaker. When Mr. Walsh gave an opinion at that time the Liberals, the Bloc and the NDP did not take that opinion and voted completely opposite to it. The member has a lot to account for.

Would the member not admit this? If there was information in those documents, for example, the names of the soldiers, the numbers in a brigade, a troop in an area, the location of the transfer, would that not be subject to security interests? The Taliban would just love to know how many of our soldiers are wandering where.

**Mr. Paul Szabo:** Madam Speaker, I have a different version of what happened at my committee. Chairs do not make those kind of decisions. The committee makes those decisions. I would remind the member that he was the chair of procedure and House affairs and he was fired and thrown out.

The member suggests that there is information in these documents that may impact persons and their safety and security. If that is the case, we have the tools. However, it is not just our right to have the documents, it is our duty to get them to do our job. That is very important and that is the difference. If there are national security and safety risks, I can assure the House that Parliament would not allow that to happen.

It is important to understand that the government must start operating in good faith. There are ways of doing that either in camera or by swearing in those who are not privy councillors.

The member should not tell me that this is so. He should prove it to me. The government can start by the Colvin documents. If the

### *Business of Supply*

government could do that, it would be very clear that the government has not been honest with Canadians.

● (1710)

[*Translation*]

**Mr. Roger Pomerleau (Drummond, BQ):** Madam Speaker, I thank my colleague from Mississauga South, and I have a general question that I have been wanting to ask for two weeks now.

Other countries are currently in Afghanistan to participate in this war, whether or not they should be. Other countries are faced with the exact same problems we are: respecting the Geneva convention, protecting their soldiers and being open with their own citizens. But this is the only country that is experiencing this type of problem.

Is it because the opposition here is too vocal? Is it that in other countries the opposition does not do its job as well? What is the fundamental reason why this is the only country that is discussing this issue, among others, today, although all the other countries have had to face these situations?

[*English*]

**Mr. Paul Szabo:** Madam Speaker, I am aware that Canada has the weakest protocol of any of the other countries in Afghanistan. However, the member simply reminds all of us that the question is very serious. As the member from the Bloc just said, we are talking about compliance with the Geneva Convention; we are talking about human rights.

I know the government always says, “You have to support our troops. We are in a terrible environment, and things sometimes happen”. Things sometimes happen, but we have to do everything possible and show good faith in taking all necessary steps so that bad things do not happen.

The government is still refusing to show good faith and put the necessary safeguards in place and to be open and honest with Canadians and parliamentarians.

**Mr. Jack Harris (St. John's East, NDP):** Madam Speaker, I have a couple of points. The member for Mississauga South referred to Richard Colvin as a whistleblower. I would ask him to reconsider that. Mr. Colvin was doing his job in reporting to his superiors and warning them of the danger of breaching international legal obligations. He appeared before the committee—a command performance, one could say—at its request. He was also subpoenaed before the MPCC, and he was doing his duty to respond to the subpoena. I think it is proper to characterize him as a public servant doing his duty.

It seems that members on the government side appear not to take the obligations and precedence of Parliament seriously and the fact that Parliament has the overriding right to this. Is the member satisfied that the government is going to comply with this order, should it be passed by the House today?

**Mr. Paul Szabo:** Madam Speaker, I take the comments of the member respectfully. Mr. Colvin is not a whistleblower. That was his job. He communicated and then found himself in a position where he was told to stop putting things in writing. He was told to do it verbally. Why? Because there is no trail, no evidence. There is hearsay. That is what it is.

*Business of Supply*

People get those kind of instructions. We have even dealt with it in our own committee on access to information, privacy and ethics, where there is a concerted effort to get around the requirements under the Access to Information Act by not having documents created that should be created.

This is very deep. It is very serious. We take this seriously, and it is about time the government took it seriously.

**Hon. Gary Goodyear (Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario), CPC):** Madam Speaker, I rise on a point of order. The member made some statements earlier that the record reflects something different. I wonder if I could get unanimous consent from the House to table the documents.

**The Acting Speaker (Ms. Denise Savoie):** Is there unanimous consent?

**Some hon. members:** Agreed.

• (1715)

**Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC):** Madam Speaker, my first words in this debate will be to remind my colleagues of this solitary stark fact: we are at war. Of all people, we should never forget that.

As we speak, thousands of our soldiers are risking their lives in the most dangerous place in the world. They are defending the values, institutions and principles that our great democracy represents. They are fighting to bring freedom, security and justice to one of the poorest, most vulnerable states in the world.

And what does the opposition, all three opposition parties, want to discuss today? The progress of our mission? No. The safety of our soldiers? No. Are they worried about the criminal and cruel tactics employed by the enemy? No. What all three opposition parties want is to obtain access to secret documents to try to prove that our enemies in Afghanistan are mistreated by their own people.

For weeks the opposition, all three opposition parties, have been desperately trying to embarrass the government by alleging that our troops and civilian personnel in theatre of war are somewhat complicit in torture. The reputation of our armed forces, police personnel and diplomatic service be damned. They, all three opposition parties, are searching every nook and cranny to unearth some kind of evidence that would show Canada is responsible for the commission of war crimes.

I am not even sure the opposition, once again all three opposition parties, care that the release of information they are demanding would be irresponsible and damaging to our national interests. They do not accept that section 38 of the Canada Evidence Act, which puts restrictions on the release of information for reasons of national defence and national security, applies in this case.

In defining national security, I want to remind everyone that the federal courts determined that this includes information provided in confidence by foreign agencies and confidential diplomatic exchanges. Many, if not most, of the documents that the opposition has identified fall into these categories. We are bound to respect our obligations under the law not to release information that would put our national security at risk.

[Translation]

National security, protecting our troops, the success of our mission, those are words that you do not often hear from an opposition member. All risks are good, even giving information to the enemy, because we truly are facing enemies. We do not run any prisons in Afghanistan.

[English]

The commitment of the government is clear. It has been repeated many times by the Prime Minister. All the information that can be released will be made available to members of the special committee. Last week we released some of the documents that have been asked for by the committee. The documents produced for the Military Police Complaints Commission alone constitute several thousand pages.

We also have obligations to confidentiality in our relationship with the International Committee of the Red Cross, which plays an important monitoring role of detainees in Afghanistan. This organization is mandated under national humanitarian law to visit detainees. It works to improve the conditions of detention of detainees and to ensure they are treated humanely and receive judicial guarantees according to international standards.

Information on ICRC visits to detainees is shared only between the ICRC and the detaining power. The ICRC's activities are based on a policy of confidentiality, which is key to maintaining its neutrality and impartiality and to securing access to detainees and people in need in various contexts around the world.

Officials of my department meet regularly with the ICRC in Geneva, Washington and in their field offices around the world, including Afghanistan. Releasing the details of those discussions would not only jeopardize our relationship with a long-standing partner but compromise its ability to do its important job effectively in Afghanistan.

The irresponsible demands of the opposition could also bring harm to third-party organizations and individuals our diplomats often meet with confidentially.

Finally, I would also remind—

• (1720)

**The Acting Speaker (Ms. Denise Savoie):** I regret interrupting the hon. minister.

[Translation]

It being 5:22 p.m., and today being the last allotted day for the supply period ending on December 10, 2009, it is my duty to interrupt the proceedings and put forthwith every question necessary to dispose of the supply proceedings.

**The Acting Speaker (Ms. Denise Savoie):** The question is on the amendment. Is it the pleasure of the House to adopt the amendment?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Ms. Denise Savoie):** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Acting Speaker (Ms. Denise Savoie):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Acting Speaker (Ms. Denise Savoie):** In my opinion, the nays have it.

*And five or more members having risen:*

**The Acting Speaker (Ms. Denise Savoie):** Call in the members.

● (1755)

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

*(Division No. 154)*

## YEAS

### Members

Allen (Welland)	André
Andrews	Angus
Ashton	Asselin
Atamanenko	Bachand
Bagnell	Bains
Beaudin	Bélanger
Bellavance	Bennett
Bevilacqua	Bevington
Bigras	Blais
Bonsant	Bouchard
Bourgeois	Brison
Brunelle	Byrne
Cardin	Charlton
Chow	Christopherson
Coady	Comartin
Crombie	Crowder
Cullen	Cuzner
D'Amours	Davies (Vancouver East)
DeBellefeuille	Demers
Deschamps	Desnoyers
Dewar	Dhaliwal
Dhalla	Dion
Donnelly	Dorion
Dosanjh	Dryden
Duceppe	Dufour
Duncan (Etobicoke North)	Duncan (Edmonton—Strathcona)
Easter	Eyking
Faillie	Folco
Footie	Freeman
Fry	Gagnon
Garneau	Gaudet
Godin	Goodale
Gravelle	Guay
Guimond (Rimouski-Neigette—Témiscouata—Les Basques)	
Guimond (Montmorency—Charlevoix—Haute-Côte-Nord)	
Hall Findlay	Harris (St. John's East)
Holland	Hughes
Ignatieff	Jennings
Julian	Kania
Kennedy	Laforest
Laframboise	Lalonde
Lavallée	Layton
Lemay	Leslie
Lessard	Lévesque
MacAulay	Malhi
Malo	Maloway
Marston	Martin (Esquimalt—Juan de Fuca)
Martin (Winnipeg Centre)	Martin (Sault Ste. Marie)
Masse	Mathysen
McCallum	McGuinty
McKay (Scarborough—Guildwood)	McTeague
Ménard	Mendes

Minna  
Mulcair  
Murphy (Charlottetown)  
Nadeau  
Pacetti  
Paillé (Louis-Hébert)  
Patry  
Plamondon  
Proulx  
Ratansi  
Rota  
Russell  
Savoie  
Sgro  
Silva  
Simson  
Stoffer  
Thi Lac  
Tonks  
Valeriot  
Volpe  
Wilfert

## Business of Supply

Mourani  
Murphy (Moncton—Riverview—Dieppe)  
Murray  
Ouellet  
Paillé (Hochelaga)  
Paquette  
Pearson  
Pomerleau  
Rafferty  
Regan  
Roy  
Savage  
Scarpaleggia  
Siksay  
Simms  
St-Cyr  
Szabo  
Thibeault  
Trudeau  
Vincet  
Wasylycia-Leis  
Zarac— 146

## NAYS

### Members

Abbott  
Aglukkaq  
Allen (Tobique—Mactaquac)  
Ambrose  
Anderson  
Arthur  
Baird  
Bernier  
Blackburn  
Block  
Boughen  
Breitkreuz  
Brown (Newmarket—Aurora)  
Bruinooge  
Calandra  
Cannan (Kelowna—Lake Country)  
Carrie  
Chong  
Clement  
Davidson  
Dechert  
Devolin  
Duncan (Vancouver Island North)  
Fast  
Flaherty  
Galipeau  
Généreux  
Goldring  
Gourde  
Guergis  
Harris (Cariboo—Prince George)  
Hiebert  
Hoback  
Holder  
Kamp (Pitt Meadows—Maple Ridge—Mission)  
Kenney (Calgary Southeast)  
Komarnicki  
Lake  
Lebel  
Lobb  
Lunn  
MacKay (Central Nova)  
Mayes  
McLeod  
Merrifield  
Moore (Port Moody—Westwood—Port Coquitlam)  
Moore (Fundy Royal)  
Nicholson  
O'Connor  
Obhrai  
Paradis  
Petit  
Preston  
Rajotte  
Reid  
Richardson  
Ritz  
Ablonczy  
Albrecht  
Allison  
Anders  
Armstrong  
Ashfield  
Benoit  
Bezan  
Blaney  
Boucher  
Braid  
Brown (Leeds—Grenville)  
Brown (Barrie)  
Cadman  
Calkins  
Cannon (Pontiac)  
Casson  
Clarke  
Cummins  
Day  
Del Mastro  
Dreeshen  
Dykstra  
Finley  
Fletcher  
Gallant  
Glover  
Goodyear  
Grewal  
Harper  
Hawn  
Hill  
Hoepfner  
Jean  
Keddy (South Shore—St. Margaret's)  
Kerr  
Kramp (Prince Edward—Hastings)  
Lauzon  
Lemieux  
Lukiwski  
Lunney  
MacKenzie  
McColeman  
Menzies  
Miller  
Norlock  
O'Neill-Gordon  
Oda  
Payne  
Poilievre  
Raitt  
Rathgeber  
Richards  
Rickford  
Saxton

*Business of Supply*

Scheer	Schellenberger
Shea	Shipley
Shory	Smith
Sorenson	Stanton
Storseth	Strahl
Sweet	Thompson
Tilson	Toews
Trost	Tweed
Uppal	Van Kesteren
Van Loan	Vellacott
Verner	Wallace
Warawa	Warkentin
Watson	Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)
Weston (Saint John)	Wong
Woodworth	Yelich
Young— 143	

**PAIRED**

## Members

Carrier

Kent— 2

**The Speaker:** I declare the amendment carried.*[English]*

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

**Hon. Gordon O'Connor:** Mr. Speaker, if you seek it, I believe you will find agreement to apply the vote from the previous motion to the current motion.

**Mr. Speaker:** Is that agreed?**Some hon. members:** Agreed.

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

*(Division No. 155)***YEAS**

## Members

Allen (Welland)	André
Andrews	Angus
Ashton	Asselin
Atamanenko	Bachand
Bagnell	Bains
Beaudin	Bélanger
Bellavance	Bennett
Bevilacqua	Bevington
Bigras	Blais
Bonsant	Bouchard
Bourgeois	Brisson
Brunelle	Byrne
Cardin	Charlton
Chow	Christopherson
Coady	Comartin
Crombie	Crowder
Cullen	Cuzner
D'Amours	Davies (Vancouver East)
DeBellefeuille	Demers
Deschamps	Desnoyers
Dewar	Dhaliwal
Dhalla	Dion
Donnelly	Dorion
Dosanjh	Dryden
Duceppe	Dufour
Duncan (Etobicoke North)	Duncan (Edmonton—Strathcona)
Easter	Eyking
Faillie	Folco
Foote	Freeman
Fry	Gagnon
Garneau	Gaudet
Godin	Goodale
Gravelle	Guay

Guimond (Rimouski-Neigette—Témiscouata—Les Basques)	
Guimond (Montmorency—Charlevoix—Haute-Côte-Nord)	
Hall Findlay	Harris (St. John's East)
Holland	Hughes
Ignatieff	Jennings
Julian	Kania
Kennedy	Laforest
Laframboise	Lalonde
Lavallée	Layton
Lemay	Leslie
Lessard	Lévesque
MacAulay	Malhi
Malo	Maloway
Marston	Martin (Esquimalt—Juan de Fuca)
Martin (Winnipeg Centre)	Martin (Sault Ste. Marie)
Masse	Mathysen
McCallum	McGuinty
McKay (Scarborough—Guildwood)	McTeague
Ménard	Mendes
Minna	Mourani
Mulcair	Murphy (Moncton—Riverview—Dieppe)
Murphy (Charlottetown)	Murray
Nadeau	Ouellet
Pacetti	Paillé (Hochelaga)
Paillé (Louis-Hébert)	Paquette
Patry	Pearson
Plamondon	Pomerleau
Proulx	Rafferty
Ratansi	Regan
Rota	Roy
Russell	Savage
Savoie	Scarpaleggia
Sgro	Siksay
Silva	Simms
Simson	St-Cyr
Stoffler	Szabo
Thi Lac	Thibeault
Tonks	Trudeau
Valeriote	Vincent
Volpe	Wasylycia-Leis
Wilfert	Zarac— 146

**NAYS**

## Members

Abbott	Ablonczy
Aglukkaq	Albrecht
Allen (Tobique—Mactaquac)	Allison
Ambrose	Anders
Anderson	Armstrong
Arthur	Ashfield
Baird	Benoit
Bernier	Bezan
Blackburn	Blaney
Block	Boucher
Boughen	Braid
Breitkreuz	Brown (Leeds—Grenville)
Brown (Newmarket—Aurora)	Brown (Barrie)
Bruinooge	Cadman
Calandra	Calkins
Cannan (Kelowna—Lake Country)	Cannon (Pontiac)
Carrie	Casson
Chong	Clarke
Clement	Cummins
Davidson	Day
Dechert	Del Mastro
Devolin	Dreeshen
Duncan (Vancouver Island North)	Dykstra
Fast	Finley
Flaherty	Fletcher
Galipeau	Gallant
Généreux	Glover
Goldring	Goodyear
Gourde	Grewal
Guergis	Harper
Harris (Cariboo—Prince George)	Hawn
Hiebert	Hill
Hoback	Hoepfner
Holder	Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)	Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)	Kerr
Komarnicki	Kramp (Prince Edward—Hastings)
Lake	Lauson

*Business of Supply*

Lebel	Lemieux
Lobb	Lukiwski
Lunn	Lunney
MacKay (Central Nova)	MacKenzie
Mayes	McColeman
McLeod	Menzies
Merrifield	Miller
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	
Nicholson	Norlock
O'Connor	O'Neill-Gordon
Obhrai	Oda
Paradis	Payne
Petit	Poilievre
Preston	Raitt
Rajotte	Rathgeber
Reid	Richards
Richardson	Rickford
Ritz	Saxton
Scheer	Schellenberger
Shea	Shipley
Shory	Smith
Sorenson	Stanton
Storseth	Strahl
Sweet	Thompson
Tilson	Toews
Trost	Tweed
Uppal	Van Kesteren
Van Loan	Vellacott
Verner	Wallace
Warawa	Warkentin
Watson	Weston (West Vancouver—Sunshine Coast—Sea to
Sky Country)	
Weston (Saint John)	Wong
Woodworth	Yelich
Young— 143	

## PAIRED

Members

Carrier

Kent— 2

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

\* \* \*

## SUPPLEMENTARY ESTIMATES (B)

**Hon. Vic Toews (President of the Treasury Board, CPC)** moved:

That the supplementary estimates (B) for the fiscal year ending March 31, 2010, be concurred in.

**The Speaker:** Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** On division.

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

(Motion agreed to)

**Hon. Vic Toews (President of the Treasury Board, CPC)** moved for leave to introduce Bill C-64, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2010 be now read a first time and be printed.

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

[Translation]

**Hon. Vic Toews** moved that Bill C-64, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2010, be now read the second time and referred to a committee of the whole.

**The Speaker:** Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** On division.

**The Speaker:** I declare the motion carried. Accordingly, the bill stands referred to a committee of the whole.

[English]

I do now leave the Chair for the House to go into committee of the whole.

(Motion agreed to, bill read the second time and the House went into committee of the whole thereon, Mr. Scheer in the chair)

**The Chair:** Order, please. The House is in committee of the whole on Bill C-64. Before we proceed with the clause by clause consideration of the supply bill, does the hon. member for St. John's South—Mount Pearl wish to ask the usual question to the President of the Treasury Board?

**Ms. Siobhan Coady (St. John's South—Mount Pearl, Lib.):** Mr. Chair, would the President of the Treasury Board confirm that the bill is presented in its usual form?

**Hon. Vic Toews (President of the Treasury Board, CPC):** Mr. Chair, I can assure the member that the form of the bill is essentially the same as that passed in the previous supply period.

(On Clause 2)

**The Chair:** Shall Clause 2 carry?

**Some hon. members:** Agreed.

**Some hon. members:** On division.

(Clause 2 agreed to)

**The Chair:** Shall Clause 3 carry?

**Some hon. members:** Agreed.

**Some hon. members:** On division.

(Clause 3 agreed to)

**The Chair:** Shall Clause 4 carry?

**Some hon. members:** Agreed.

**Some hon. members:** On division.

(Clause 4 agreed to)

**The Chair:** Shall Clause 5 carry?

**Some hon. members:** Agreed.

**Some hon. members:** On division.

(Clause 5 agreed to)

**The Chair:** Shall Clause 6 carry?

**Some hon. members:** Agreed.

**Some hon. members:** On division.

(Clause 6 agreed to)

**The Chair:** Shall Clause 7 carry?

*Business of Supply*

**Some hon. members:** Agreed.

**Some hon. members:** On division.  
(Clause 7 agreed to)

**The Chair:** Shall Schedule 1 carry?

**Some hon. members:** Agreed.

**Some hon. members:** On division.  
(Schedule 1 agreed to)

**The Chair:** Shall Schedule 2 carry?

**Some hon. members:** Agreed.

**Some hon. members:** On division.  
(Schedule 2 agreed to)

**The Chair:** Shall the preamble carry?

**Some hon. members:** Agreed.

**Some hon. members:** On division.  
(Preamble agreed to)

**The Chair:** Shall the title carry?

**Some hon. members:** Agreed.

**Some hon. members:** On division.  
(Title agreed to)

**The Chair:** Shall the bill carry?

**Some hon. members:** Agreed.

**Some hon. members:** On division.  
(Bill agreed to)

**The Chair:** Shall I rise and report the bill?

**Some hon. members:** Agreed.

**Some hon. members:** On division.  
(Bill reported)

● (1800)

**Hon. Vic Toews** moved that the bill be concurred in.

**The Speaker:** Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** On division.

**The Speaker:** I declare the motion carried.  
(Motion agreed to)

**The Speaker:** When shall the bill be read a third time? By leave, now?

**Some hon. members:** Agreed.

**Hon. Vic Toews** moved that the bill be read the third time and passed.

**The Speaker:** Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** Nay.

**The Speaker:** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Speaker:** All those opposed will please say nay.

**Some hon. members:** No.

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

*And five or more members having risen:*

● (1805)

[Translation]

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

(Division No. 156)

## YEAS

## Members

Abbott	Ablonczy
Aglukkaq	Albrecht
Allen (Welland)	Allen (Tobique—Mactaquac)
Allison	Ambrose
Anders	Anderson
Andrews	Angus
Armstrong	Arthur
Ashfield	Ashton
Atamanenko	Bagnell
Bains	Baird
Bélanger	Bennett
Benoit	Bernier
Bevilacqua	Bevington
Bezan	Blackburn
Blaney	Block
Boucher	Boughen
Braid	Breitreuz
Brisson	Brown (Leeds—Grenville)
Brown (Newmarket—Aurora)	Brown (Barrie)
Bruinooge	Byrne
Cadman	Calandra
Calkins	Cannan (Kelowna—Lake Country)
Cannon (Pontiac)	Carrie
Casson	Charlton
Chong	Chow
Christopherson	Clarke
Clement	Coady
Comartin	Crombie
Crowder	Cullen
Cummins	Cuzner
D'Amours	Davidson
Davies (Vancouver East)	Day
Dechert	Del Mastro
Devolin	Dewar
Dhaliwal	Dhalla
Dion	Donnelly
Dosanjh	Dreeshen
Dryden	Duncan (Vancouver Island North)
Duncan (Etobicoke North)	Duncan (Edmonton—Strathcona)
Dykstra	Easter
Eyking	Fast
Finley	Flaherty
Fletcher	Folco
Foote	Fry
Galipeau	Gallant
Gameau	Généreux
Glover	Godin
Goldring	Goodale
Goodyear	Gourde
Gravelle	Grewal
Guergis	Hall Findlay
Harper	Harris (St. John's East)
Harris (Cariboo—Prince George)	Hawn

Hiebert  
Hoback  
Holder  
Hughes  
Jean  
Julian  
Kania  
Kennedy  
Kerr  
Kramp (Prince Edward—Hastings)  
Lauzon  
Lebel  
Lemieux  
Lobb  
Lunn  
MacAulay  
Malhi  
Marston  
Martin (Winnipeg Centre)  
Masse  
Mayes  
McColeman  
McKay (Scarborough—Guildwood)  
McTeague  
Menzies  
Miller  
Moore (Port Moody—Westwood—Port Coquitlam)  
Moore (Fundy Royal)  
Mulcair  
Murphy (Charlottetown)  
Nicholson  
O'Connor  
Obhrai  
Pacetti  
Patry  
Pearson  
Poilievre  
Proulx  
Raitt  
Ratansi  
Regan  
Richards  
Rickford  
Rota  
Savage  
Saxton  
Scheer  
Shea  
Shory  
Silva  
Simson  
Sorenson  
Stoffer  
Strahl  
Szabo  
Thompson  
Toews  
Trost  
Tweed  
Valeriot  
Van Loan  
Verner  
Wallace  
Warkentin  
Watson  
Sky Country)  
Weston (Saint John)  
Wong  
Yelich  
Zarac— 241

Hill  
Hoepfner  
Holland  
Ignatieff  
Jennings  
Kamp (Pitt Meadows—Maple Ridge—Mission)  
Keddy (South Shore—St. Margaret's)  
Kenney (Calgary Southeast)  
Komarnicki  
Lake  
Layton  
Lee  
Leslie  
Lukiwski  
Lunney  
MacKenzie  
Maloway  
Martin (Esquimalt—Juan de Fuca)  
Martin (Sault Ste. Marie)  
Mathysen  
McCallum  
McGuinty  
McLeod  
Mendes  
Merrifield  
Minna  
Murphy (Moncton—Riverview—Dieppe)  
Murray  
Norlock  
O'Neill-Gordon  
Oda  
Paradis  
Payne  
Petit  
Preston  
Rafferty  
Rajotte  
Rathgeber  
Reid  
Richardson  
Ritz  
Russell  
Savoie  
Scarpaleggia  
Schellenberger  
Shipley  
Siksay  
Simms  
Smith  
Stanton  
Storseth  
Sweet  
Thibeault  
Tilson  
Tonks  
Trudeau  
Uppal  
Van Kesteren  
Vellacott  
Volpe  
Warawa  
Wasylcia-Leis  
Weston (West Vancouver—Sunshine Coast—Sea to  
Wilfert  
Woodworth  
Young

## NAYS

### Members

André  
Bachand  
Bellavance  
Blais  
Bouchard  
Brunelle  
DeBellefeuille  
Deschamps  
Dorion

Asselin  
Beaudin  
Bigras  
Bonsant  
Bourgeois  
Cardin  
Demers  
Desnoyers  
Duceppe

## Business of the House

Dufour  
Freeman  
Gaudet  
Guimond (Rimouski-Neigette—Témiscouata—Les Basques)  
Guimond (Montmorency—Charlevoix—Haute-Côte-Nord)  
Laforest  
Lalonde  
Lemay  
Lévesque  
Ménard  
Nadeau  
Paillé (Hochelaga)  
Paquette  
Pomerleau  
St-Cyr  
Vincent— 47

Faillie  
Gagnon  
Guay  
Laframboise  
Lavallée  
Lessard  
Malo  
Mourani  
Ouellet  
Paillé (Louis-Hébert)  
Plamondon  
Roy  
Thi Lac

## PAIRED

### Members

Carrier  
Kent— 2

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

(Bill read the third time and passed)

● (1810)

[English]

**Hon. Peter MacKay:** Mr. Speaker, in the spirit of Christmas I want to admit that I was in the area behind my desk speaking to the Prime Minister when the vote was taken, so you may hear something from members opposite about that, but I will leave it up to your discretion. Ho, ho, ho.

**Mr. Francis Valeriot:** Mr. Speaker, I know that the Minister of National Defence has had a very difficult week, but if you apply the same rule that you applied a few short days ago, I feel compelled to bring to your attention that he was not in his own seat, either before or during the last vote. I believe that his vote should not be counted.

**The Speaker:** It sounded like it might have been a true confession from the minister before, and now a suggestion or accusation or whatever from the hon. member for Guelph, who had a rough experience, I know, the other day.

Under the circumstances, perhaps we will amend the *Journals* and exclude the hon. minister's vote in this case, but it will not change the result in terms of the adoption of the bill, which will be much to everyone's relief, so the bill has been passed.

The hon. Minister of Human Resources and Skills Development, I understand, has a point of order.

\* \* \*

## BUSINESS OF THE HOUSE

**Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC):** Mr. Speaker, there have been discussions throughout the afternoon with all parties, and I believe that if you were to seek it, you would find unanimous consent for the following motion. I move:

That, notwithstanding any Standing Order or usual practice of the House, the question on the third reading motion of Bill C-56 be deemed put, a recorded division deemed requested and the vote taken now, and when the House adjourns today, it shall stand adjourned until Monday, January 25, 2010, provided that, for the purposes of Standing Order 28, it shall be deemed to have sat on Friday, December 11, 2009; and

### Private Members' Business

[Translation]

That this House call upon the Minister of Human Resources and Skills Development to ask the Employment Insurance Commission to include in its Monitoring and Assessment Report an additional section that would monitor and assess the new employment insurance program for self-employed workers including a breakdown of data by province and that this House ask the Canada Employment Insurance Financing Board to consider the history of premiums and contributions in determining the rates of contribution if Quebec's self-employed workers are making contributions that do not correspond to the true cost of the benefits offered to Quebec's self-employed workers; and since the Fairness for the Self-Employed Act includes a five-year review of the new program, the policy direction should include a more detailed review from the Employment Insurance Commission in addition to the five-year legislative review.

[English]

**The Speaker:** Does the hon. Minister of Human Resources and Skills Development have the unanimous consent of the House to propose this motion?

**Some hon. members:** Agreed.

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

**Some hon. members:** Agreed.

(Motion agreed to)

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

## GOVERNMENT ORDERS

[English]

### FAIRNESS FOR THE SELF-EMPLOYED ACT

(Bill C-56. On the Order: Government Orders:)

December 4, 2009—Third reading of Bill C-56, An Act to amend the Employment Insurance Act and to make consequential amendments to other Acts—the Minister of Human Resources and Skills Development.

(Motion for third reading deemed moved, bill read the third time and passed.)

**Hon. Gordon O'Connor:** Mr. Speaker, I think you have already passed the point. Had you sought it, you would have found agreement that we would have applied the previous vote to this one, with the Conservatives voting yes.

**The Speaker:** It was carried unanimously, so there was no need to apply the vote. What is done is done and cannot be undone.

## PRIVATE MEMBERS' BUSINESS

• (1815)

[English]

### IMMIGRATION AND REFUGEE PROTECTION ACT

The House resumed from December 2 consideration of the motion that Bill C-291, An Act to amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171), be read the third time and passed.

**The Speaker:** Pursuant to order made on Tuesday, December 8, 2009, the House will now proceed to the taking of the deferred

recorded division on the motion at third reading stage of Bill C-291 under private members' business.

(The House divided on the motion:)

(Division No. 157)

### YEAS

#### Members

Allen (Welland)	André
Andrews	Angus
Ashton	Asselin
Atamanenko	Bachand
Bagnell	Bains
Beaudin	Bélanger
Bellavance	Bennett
Bevilacqua	Bevington
Bigras	Blais
Bonsant	Bouchard
Bourgeois	Brisson
Brunelle	Byrne
Cardin	Charlton
Chow	Christopherson
Coady	Comartin
Crombie	Crowder
Cullen	Cuzner
D'Amours	Davies (Vancouver East)
DeBellefeuille	Demers
Deschamps	Desnoyers
Dewar	Dhaliwal
Dhalla	Dion
Donnelly	Dorion
Dosanjh	Dryden
Duceppe	Dufour
Duncan (Etobicoke North)	Duncan (Edmonton—Strathcona)
Easter	Eyking
Faillie	Folco
Footé	Freeman
Fry	Gagnon
Garneau	Gaudet
Godin	Goodale
Gravelle	Guay
Guimond (Rimouski-Neigette—Témiscouata—Les Basques)	
Guimond (Montmorency—Charlevoix—Haute-Côte-Nord)	
Hall Findlay	Harris (St. John's East)
Holland	Hughes
Ignatieff	Jennings
Julian	Kania
Kennedy	Laforest
Laframboise	Lalonde
Lavallée	Layton
Lemay	Leslie
Lessard	Lévesque
MacAulay	Malhi
Malo	Maloway
Marston	Martin (Esquimalt—Juan de Fuca)
Martin (Winnipeg Centre)	Martin (Sault Ste. Marie)
Masse	Mathysen
McCallum	McGuinty
McTeague	Ménard
Mendes	Minna
Mourani	Mulcair
Murphy (Moncton—Riverview—Dieppe)	Murphy (Charlottetown)
Murray	Nadeau
Ouellet	Pacetti
Paillé (Hochelaga)	Paillé (Louis-Hébert)
Paquette	Patry
Pearson	Plamondon
Pomerleau	Proulx
Rafferty	Ratansi
Regan	Rota
Roy	Russell
Savage	Savoie
Scarpaleggia	Siksay
Silva	Simms
Simson	St-Cyr
Stoffer	Szabo
Thi Lac	Thibeault
Tonks	Trudeau
Valeriote	Vincent
Volpe	Wasylycia-Leis



Zarac— 143

## NAYS

## Members

Abbott	Ablonczy
Aglukkaq	Albrecht
Allen (Tobique—Mactaquac)	Allison
Ambrose	Anders
Anderson	Armstrong
Arthur	Ashfield
Baird	Benoit
Bernier	Bezan
Blackburn	Blaney
Block	Boucher
Boughen	Braid
Breitkreuz	Brown (Leeds—Grenville)
Brown (Newmarket—Aurora)	Brown (Barrie)
Bruinooge	Cadman
Calandra	Calkins
Cannan (Kelowna—Lake Country)	Cannon (Pontiac)
Carrie	Casson
Chong	Clarke
Clement	Cummins
Davidson	Day
Dechert	Del Mastro
Devolin	Dreeshen
Duncan (Vancouver Island North)	Dykstra
Fast	Finley
Flaherty	Fletcher
Galipeau	Gallant
Généreux	Glover
Goldring	Goodyear
Gourde	Grewal
Guergis	Harper
Harris (Cariboo—Prince George)	Hawn
Hiebert	Hill
Hoback	Hoeppner
Holder	Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)	Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)	Kerr
Komarnicki	Kramp (Prince Edward—Hastings)
Lake	Lauzon
Lebel	Lemieux
Lobb	Lukiwski
Lunn	Lunney
MacKay (Central Nova)	MacKenzie
Mayes	McColeman
McLeod	Menzies
Merrifield	Miller
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	
Nicholson	Norlock
O'Connor	O'Neill-Gordon
Obhrai	Oda
Paradis	Payne
Petit	Poilievre
Preston	Raitt
Rajotte	Rathgeber
Reid	Richards
Richardson	Rickford
Ritz	Saxton
Scheer	Schellenberger
Shea	Shipley
Shory	Smith
Sorenson	Stanton
Storseth	Strahl
Sweet	Thompson
Tilson	Toews
Trost	Tweed
Uppal	Van Kesteren
Van Loan	Vellacott
Verner	Wallace
Warawa	Warkentin
Watson	Weston (West Vancouver—Sunshine Coast—Sea to
Sky Country)	
Weston (Saint John)	Wong
Woodworth	Yelich
Young— 143	

## Routine Proceedings

## PAIRED

## Members

## Carrier

Kent— 2

● (1820)

*And the result of the vote having been announced: Yeas: 143; Nays: 143*

**Mr. Peter Stoffer:** Mr. Speaker, I rise on a point of order. This will not change the vote at all, but I believe if you checked the official record the clerks inadvertently had named me the member for Thunder Bay—Superior North. Although he is much better looking than I am and much more intelligent, they just made a slight error on that.

**The Speaker:** The correction had been noted when the voting was done and accordingly the member was counted correctly I am told.

● (1825)

[Translation]

Now we have a problem because we have a tie vote on a motion respecting third reading of a bill to amend other acts. While I do have plenty of experience with such votes, this is the first time we have had such an outcome at third reading.

[English]

In this case, I am going to go with the practice that I believe is normal for Speakers and that is to vote in favour of the status quo, which is for no change in the law. Accordingly I will vote against third reading of this bill and I declare the motion defeated.

**The Speaker:** Order. Before I put the question on the last motion, since there might be a little noise in the chamber at the conclusion of the vote when things have completed, I would like to wish all hon. members the very best for the Christmas season.

[Translation]

I would like to extend my best wishes for a happy new year in 2010. We will meet again on January 25, and I look forward to seeing you all then.

## ROUTINE PROCEEDINGS

[English]

## COMMITTEES OF THE HOUSE

## FISHERIES AND OCEANS

**The Speaker:** Pursuant to order made on Tuesday, December 8, 2009, the House will now proceed to the taking of the deferred recorded division on the motion to concur in the eighth report of the Standing Committee on Fisheries and Oceans.

The chief government whip is rising on a point of order?

**Hon. Gordon O'Connor:** Mr. Speaker, if you were to seek it, I think you would find unanimous agreement to apply the votes from a previous motion to this motion with the Conservatives voting no.

**The Speaker:** Is there unanimous consent to proceed in this way?

*Routine Proceedings*

**Some hon. members:** Agreed.

**Some hon. members:** No.

• (1835)

[*Translation*]

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

(*Division No. 158*)

## YEAS

## Members

Allen (Welland)	André
Andrews	Angus
Ashton	Asselin
Atamanenko	Bachand
Bagnell	Bains
Beaudin	Bélanger
Bellavance	Bennett
Bevilacqua	Bevington
Bigras	Blais
Bonsant	Bouchard
Bourgeois	Brisson
Brunelle	Byrne
Cardin	Charlton
Chow	Christopherson
Coady	Comartin
Crombie	Crowder
Cullen	Cuzner
D'Amours	Davies (Vancouver East)
DeBellefeuille	Demers
Deschamps	Desnoyers
Dewar	Dhaliwal
Dhalla	Dion
Donnelly	Dorion
Dosanjh	Dryden
Duceppe	Dufour
Duncan (Etobicoke North)	Duncan (Edmonton—Strathcona)
Easter	Eyking
Faillie	Folco
Foote	Freeman
Fry	Gagnon
Garneau	Gaudet
Godin	Goodale
Gravelle	Guay
Guimond (Rimouski-Neigette—Témiscouata—Les Basques)	
Guimond (Montmorency—Charlevoix—Haute-Côte-Nord)	
Hall Findlay	Harris (St. John's East)
Holland	Hughes
Ignatieff	Jennings
Julian	Kania
Kennedy	Laforest
Laframboise	Lalonde
Lavallée	Layton
Lee	Lemay
Leslie	Lessard
Lévesque	MacAulay
Malhi	Malo
Maloway	Marston
Martin (Esquimalt—Juan de Fuca)	Martin (Winnipeg Centre)
Martin (Sault Ste. Marie)	Masse
Mathyssen	McCallum
McGuinty	McKay (Scarborough—Guildwood)
McTeague	Ménard
Mendes	Minna
Mourani	Mulcair
Murphy (Moncton—Riverview—Dieppe)	Murphy (Charlottetown)
Murray	Nadeau
Ouellet	Pacetti
Paillé (Hochelaga)	Paillé (Louis-Hébert)
Paquette	Patry
Pearson	Plamondon
Pomerleau	Proulx
Rafferty	Ratansi
Regan	Rota
Roy	Russell
Savage	Savoie
Scarpaleggia	Sgro

Siksay  
Simms  
St-Cyr  
Szabo  
Thibeault  
Trudeau  
Vincent  
Wasylcia-Leis  
Zarac— 147

Silva  
Simson  
Stoffer  
Thi Lac  
Tonks  
Valeriote  
Volpe  
Wilfert

## NAYS

## Members

Abbott	Ablonczy
Aglukkaq	Albrecht
Allen (Tobique—Mactaquac)	Allison
Ambrose	Anders
Anderson	Armstrong
Arthur	Ashfield
Baird	Benoit
Bernier	Bezan
Blackburn	Blaney
Block	Boucher
Boughen	Braid
Breitreuz	Brown (Leeds—Grenville)
Brown (Newmarket—Aurora)	Brown (Barrie)
Bruinoooge	Cadman
Calandra	Calkins
Cannan (Kelowna—Lake Country)	Cannon (Pontiac)
Carrie	Casson
Chong	Clarke
Clement	Cummins
Davidson	Day
Dechert	Del Mastro
Devolin	Dreeschen
Duncan (Vancouver Island North)	Dykstra
Fast	Finley
Flaherty	Fletcher
Galipeau	Gallant
Généreux	Glover
Goldring	Goodyear
Gourde	Grewal
Guergis	Harper
Harris (Cariboo—Prince George)	Hawn
Hiebert	Hill
Hoback	Hoepfner
Holder	Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)	Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)	Kerr
Komarnicki	Kramp (Prince Edward—Hastings)
Lauzon	Lebel
Lemieux	Lobb
Lukiwski	Lunn
Lunney	MacKay (Central Nova)
MacKenzie	Mayes
McColeman	McLeod
Menzies	Merrifield
Miller	Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)	Nicholson
Norlock	O'Connor
O'Neill-Gordon	Obhrai
Oda	Paradis
Payne	Petit
Poilievre	Preston
Raitt	Rajotte
Rathgeber	Reid
Richards	Richardson
Rickford	Ritz
Saxton	Scheer
Schellenberger	Shea
Shipley	Shory
Smith	Sorenson
Stanton	Storseth
Strahl	Sweet
Thompson	Tilson
Toews	Trost
Tweed	Uppal
Van Kesteren	Van Loan
Vellacott	Verner
Wallace	Warawa
Warkentin	Watson
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)	
Weston (Saint John)	

Wong  
Yelich

Woodworth  
Young— 142

## PAIRED

Members

Carrier

Kent— 2

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

[English]

**Hon. Jay Hill (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, I rise on one final point of order. Given that the House is rising tonight and therefore the notice paper is unlikely to be published until the new year, I wish to inform colleagues in the House that the Minister of Labour gave notice of a bill today entitled, “An Act to ensure Economic Success in British Columbia Ports through Labour Stability”. Merry Christmas.

**The Speaker:** The House will now proceed to the consideration of private members' business as listed on today's order paper.

## PRIVATE MEMBERS' BUSINESS

• (1840)

[English]

### CANADA LABOUR CODE

**Ms. France Bonsant (Compton—Stanstead, BQ)** moved that Bill C-343, An Act to amend the Canada Labour Code and the Employment Insurance Act (family leave), be read the second time and referred to a committee.

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, I rise on a point of order. On November 6, the Speaker made a statement with respect to the management of private members' business. In particular, the Speaker raised concerns about Bill C-343, An Act to amend the Canada Labour Code and the Employment Insurance Act (family leave), which in the Speaker's view appeared to impinge on the financial prerogative of the Crown.

Without commenting on the merits of the bill, I submit that Bill C-343 would add a new purpose to the Employment Insurance Act which would require new spending and therefore would require a royal recommendation.

Let me explain how the bill would require new spending.

Bill C-343 would amend the Canada Labour Code to allow employees to take unpaid leave from work for four family related reasons: first, the inability of their minor child to carry on regular activities because the child suffers a serious physical injury as a result of a criminal offence; second, the disappearance of their minor child; third, the suicide of their spouse, common-law partner or child; or fourth, the death of their spouse, common-law partner or child as a direct result of a criminal offence.

Bill C-343 would then change the Employment Insurance Act to allow all EI eligible employees to receive up to 52 weeks of EI benefits when they took the proposed new family leave under the Canada Labour Code. As a result, the EI benefit contemplated in Bill

### Private Members' Business

C-343 would add a new purpose that is not currently authorized in the Employment Insurance Act, which would require new government spending.

The Department of Human Resources and Skills Development estimates that Bill C-343 would cost the government between \$340 million and \$410 million per year, depending on the level of criminal activity in the country. Precedents demonstrate that legislation for new spending for EI benefits not currently authorized under the Employment Insurance Act require a royal recommendation.

On November 6, 2006, the Speaker ruled in the case of Bill C-269, An Act to amend the Employment Insurance Act (improvement of the employment insurance system) that “Bill C-269... extends coverage of the employment insurance plan to the self-employed. New purposes must be accompanied by a new royal recommendation. I must rule that...Bill C-269 requires a royal recommendation”.

Bill C-343 would add a new purpose to the Employment Insurance Act, which is not currently authorized and should therefore be accompanied by a royal recommendation.

**The Acting Speaker (Mr. Barry Devolin):** The Chair will take the parliamentary secretary's submission under advisement. I anticipate there may be others on this matter. At this point, we will resume debate.

[Translation]

The hon. member for Compton—Stanstead.

**Ms. France Bonsant:** Mr. Speaker, I am going to explain things.

Today, I am very proud to introduce Bill C-343, An Act to amend the Canada Labour Code and the Employment Insurance Act (family leave), at second reading.

This bill would amend the Canada Labour Code to allow employees to take unpaid leave from work for a period of 52 to 104 weeks for the following family-related reasons: the inability of their minor child to carry on regular activities because the child suffers a serious physical injury during the commission or as the direct result of a criminal offence; the disappearance of their minor child; the suicide of their spouse, common-law partner or child; or the death of their spouse, common-law partner or child during the commission or as the direct result of a criminal offence. This bill also amends the Employment Insurance Act to allow these employees to receive benefits for up to 52 weeks instead of the 15 weeks currently provided for sickness benefits.

In December 2007, the Quebec National Assembly showed the way by passing Bill 58, which allows employees and their families who were the victims of a criminal act or who are mourning a suicide or have a missing child to take unpaid leave and keep their jobs for a period of up to 104 weeks.

*Private Members' Business*

Unfortunately, the current federal legislation results in discrimination against people whose jobs fall under the Canada Labour Code. Since these people do not have their jobs guaranteed, they can take only 15 weeks of sick leave. The failure of the federal legislators to act in this regard has created two categories of workers: those who can get through difficult times with their jobs intact and those who are forced to choose between losing their jobs and returning quickly to work.

Although it is good that people can take some time off and return to the same kind of job, the result will be the same if they do not have enough income to meet their needs: they will have no other choice than to return quickly to work. In the view of the Bloc Québécois, which has always been very concerned about victims and their families, the federal government should immediately follow Quebec's lead for a number of reasons.

First of all, we know very well that suicide, violent crimes and disappearances are tragic events that are very difficult for the families of the victims. These events cause great psychological distress for many relatives and parents. The victims' families wait and worry, mourn and frequently feel depressed, often over extended periods of time. In cases of murders and disappearances in particular, more than two years can pass between the criminal act and the resolution of the investigation.

During this period, family members are deeply affected and cannot pursue their regular activities. They need support, help and understanding and most importantly, no additional worries as a result of their financial situation. It is terrible to think that, at present, these people are left to their fate and have to keep working during this period as if nothing had happened because they have to meet their family's needs like everyone else. These people need time to get over such difficult events and gradually rejoin the work force at their own pace.

Quebec has unfortunately been shaken, over the last few years, by a number of murders and disappearances. I am thinking in particular of Cédrika Provencher, Nancy Michaud, Alexandre Livernoche, Julie Surprenant, Julie Boisvenu, Jolène Riendeau and, just recently, Natasha Cournoyer. I could also mention, in this commemorative week, the 14 victims of the shootings at the École Polytechnique, as well as the shootings at Dawson College, in which young Anastasia de Sousa lost her life. In my own riding of Compton—Stanstead, Isabelle Bolduc was sexually assaulted and murdered in 1996. I have named only a few of the cases, but I am fighting today for the parents, relatives and friends of all these families.

• (1845)

After all, are the victims' families not also victimized by the anguish, despair and other repercussions they suffer as a result of the violent act? When people are mourning a disappearance, a homicide or a suicide, it takes longer and is more complex than other kinds of mourning, especially when rape or violence was involved. There are greater feelings of frustration, anger and powerlessness, even more so when the death was caused by a criminal or by the victim himself or herself.

Parallel to these events, several citizens' initiatives arose out of the sense of solidarity felt by the families. For example, the Quebec families affected by these tragedies came together in 2004 to form

the Murdered or Missing Person's Families' Association, which is a Quebec organization that comes to the aid of victims' families. When our bill was introduced at first reading, the MMPFA strongly supported it. The members of this association work very hard to support the families and are convinced that the families should be able to face these crises in their lives without any financial worries hanging over their hands.

From the start of the session, this government has said again and again that we have to be tough on crime. For the Conservative Reform Party, law and order is a government priority. They loudly proclaim that they are thinking of the well-being of the population and its security by getting tough on crime. However, criminals now have more rights and get more attention than the victims' families, who have no legal recourse. Measures adopted in recent months concerning prison sentences focus on just one aspect of these tragedies. Victims' families and spouses are not taken care of and are all too often forgotten. Therefore, it is not enough to fill our prisons. We must give tangible support to the families affected by these tragedies.

In recognition of this fact, some members of the Conservative government have stated their support for victims' families. The member for Thornhill said, "It would be nice if all of the opposition parties showed as much concern and compassion for the lives of victims and their families as they do for the perpetrators." Also, the Minister of Justice and Attorney General of Canada as well as the Minister of Public Safety made an official commitment in April 2009 to support victims' families. I will quote the Minister of Public Safety:

This Government recognizes that crime places a heavy toll on individual victims, their families, communities and society-at-large. Supporting victims takes a collaborative effort, and this Government is committed to continuing to work with our partners to help victims of crime...

This government even established the annual National Victims of Crime Awareness Week in 2005 and organizes symposiums on that occasion. Such events are not enough. If the Conservative government is consistent, it will not hesitate to support this bill and will transform its words into concrete action for families. As they say; put your money where your mouth is.

Moreover, any members of this House who are opposed to this bill will no doubt say that these new measures will cost the government too much money because they extend employment insurance benefits from 15 to 52 weeks. Fortunately, though, these sorts of tragic events that would require 52 weeks of benefits do not occur frequently. By the same token, not many people would become eligible for employment insurance with the passage of this bill. We can assume that a certain portion of the eligible population is unlikely to experience a drop in income and that some people would want to go back to work after a time in order to resume a normal life. In addition, a certain portion of the population does not work, is not covered by EI or does not work enough hours to qualify for benefits.

Because of these various factors, our estimates put the total cost at roughly \$50 million a year. A lawyer told me that when you want to get an answer to a question, you have to find the answer before asking the question. This is a minimal expense considering the annual federal budget, a mere drop in the ocean. Employment insurance is sufficiently well funded by workers to enable families who suffer such a traumatic event to receive benefits.

• (1850)

Considering the \$56 billion surplus in the employment insurance fund, it is even clearer that this bill would not cost much. If this government is really concerned about victims and their families, it will not hesitate one second to vote for this bill. But if it votes against the bill, the public will rightly see that as indicative of the government's total indifference to victims' families and will remember that for a long time to come.

In closing, I want to address all the families of victims of crime or suicide and tell them that the Bloc Québécois and I will work very hard so that this bill receives the support of a majority of members of this House. I dare to hope that if the members here are moved by the fate of victims and their families, they will rise with pride to vote for Bill C-343.

I went into politics to make a difference, and I sincerely believe that these measures will provide valuable help for families that badly need it. I therefore call on all my colleagues in this House to walk the talk. The well-being of crime victims' families depends on it.

• (1855)

[English]

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, I congratulate the member on Bill C-343. I think it is an excellent bill and our caucus will be supporting it.

I find it rather interesting that the government would be trying to kill the bill through the route of the royal recommendation challenge. The government pretends to be supportive of the victims, but that is what the bill is all about. The bill is all about supporting victims and here we have a government at the first opportunity to actually do something for victims trying to kill the bill.

The bill would amend the Canada Labour Code to allow employees to take unpaid leave from work for family-related reasons, one of which would be the inability of their minor child to carry on regular activities because the child suffers a serious physical injury during the commission or as a direct result of a criminal offence. There are three other instances where they would qualify for this.

The government has costed it already. It says that it is going to cost \$340 million to \$410 million. I would like to know how it comes up with figures like that—

**The Acting Speaker (Mr. Barry Devolin):** Order. There is a five minute question and answer period. If members keep their questions to about a minute we will have two opportunities. The hon. member for Compton—Stanstead.

[Translation]

**Ms. France Bonsant:** Mr. Speaker, I thank my hon. colleague for his question.

### *Private Members' Business*

Regarding the victims and humanitarian concerns, I think this Conservative government has forgotten about them. The cost of this measure is approximately that of an F-18. These people have endured immeasurable grief. It would be unbearable and I would not wish it on anyone.

I am sure there are people here who know someone who was close to a victim. I worked with a woman whose nephew was Alexandre Livernoche's best friend. He had no family ties to the boy, but he went through a week of hell. These people go through terrible suffering and loss. However, the person must go on living. They could have family or other children to care for. These families need to eat and sleep somewhere. That is why they need financial support. It would be unbearable to go back to work after 15 weeks.

[English]

**Hon. Maria Minna (Beaches—East York, Lib.):** Mr. Speaker, first of all I want to commend the hon. member on the bill. It is something that needs to get done.

Perhaps the member could clarify something. The bill refers to “children” and “spouses” but not to “mother” and “father” and even the individuals themselves if they were attacked. A person may be single. Under compassionate care or sick leave a person only gets 15 weeks. Here there is potential for getting more. I just wondered if there is a reason for leaving out those particular aspects.

[Translation]

**Ms. France Bonsant:** Mr. Speaker, the answer is no, because according to statistics, far more young people disappear than parents. We must also be careful, because many young people run away and many seniors suffer from Alzheimer's disease. This is something I thought of and must be taken into account. I thank my hon. colleague for raising the point. She is right, and this aspect could be added, if it proves necessary.

[English]

**Mr. Ed Komarnicki (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC):** Mr. Speaker, I certainly enjoyed listening to the comments and the intention behind the bill. I appreciate the opportunity to speak to Bill C-343, An Act to amend the Canada Labour Code and the Employment Insurance Act (family leave). It affects two pieces of legislation.

All members here certainly sympathize with those whose loved ones have been victims of violent crime. There is no question about that. It can take a long time for anyone to fully heal from that kind of tragedy.

Before discussing what may be the best way to support these victims and their families, I would like to take a moment to sum up the main components of the proposed legislation.

*Private Members' Business*

Bill C-343 would amend the Canada Labour Code to introduce a new type of unpaid leave, known as family leave, which would be available to federally regulated employees whose family member has experienced certain kinds of trauma. It would also amend the Employment Insurance Act to provide temporary income support for up to 52 weeks, including the two-week waiting period, to eligible individuals who take this new type of family leave. It would also use a provision of the same act to ensure that premium rates were reduced in provinces where similar income support is provided.

In part, the proposed bill seeks to address issues related to victims of violence through the employment insurance program. I should like to note that the employment insurance program already provides some compensation to victims of crime. Specifically, eligible individuals who are unable to work and who are undergoing treatment for the psychological effects of bereavement or violent crime would be eligible for up to 15 weeks of employment insurance sickness benefits. In this way, the employment insurance program already responds to the needs of Canadians in these difficult circumstances. In limited situations, eligible workers can also access up to six weeks of compassionate care benefits.

While the EI system plays a very important role in providing some income support during absences from work for Canadians, the government recognizes it may not address the needs of all victims in all situations. The proposed changes represent a significant shift to special benefits, and it is not clear that employment insurance is the best instrument to provide income support under these circumstances. In addition to these concerns, the proposed changes have of a number of additional implications that are matters of concern.

The proposal to create family leave does raise some questions with respect to fairness. I am not sure whether, in making policy in this area, the distinctions and restrictions in this bill will result in a fair outcome.

For example, I am not sure parents of a 17-year-old and parents of a 19-year-old are deserving of substantially different treatment by the EI system. In the painful cases this bill seeks to address, I am not sure either type of parent would agree that differential treatment is fair either. While this is a little outside the scope of the bill, I am concerned that crime is the only thing being addressed here by these changes and that other painful and tragic events that are no less shocking, unexpected and difficult to endure are not being considered. As I said, other events are not within the scope of the bill, and that is a matter of concern for sure.

I will move on, however. It is important to note that most provinces already offer a variety of supports to assist families of victims of crime, such as coverage of medical expenses, as well as access to counselling services.

Six provinces even provide compensation for lost wages. Provincial compensation measures also have the advantage of being provided to victims and their families without regard to employment status.

Managing the employment insurance system is very complex, as we have seen in this House with the various pieces of legislation we have introduced, including the one that just passed today, Bill C-56. Our recent changes were only made after careful consideration and

in response to a critical economic situation and, therefore, a situation that was critical for thousands of Canadians and their families. Our most recent proposal for change is to bring access and fairness to self-employed Canadians, as I mentioned, to the people who have never had access to the special benefits within the EI system before.

Right now, because of the global economic situation of the past year and because previous governments used EI premiums for non-EI spending, and the member makes a fair point there, the EI account is under strain. It is estimated that adopting the bill would increase program costs significantly and could result in significant upward pressure on premium rates, something that most people do not want.

● (1900)

While the length of the bill itself does not imply so, these proposed changes are major financial changes to the EI system. As we know from both the existing EI system and the new access to special benefits proposed by the government under Bill C-56, adding another class of people for whom 50 weeks' worth of benefits would be available is a very expensive proposition.

I am certainly not here to say that grief has a price tag or a price ceiling, but that these sorts of changes have consequences that need to be fully considered. Not only is the EI system perhaps not the best vehicle to help in these circumstances, but it is also an expensive way to use the system.

It is also important to bear in mind that the Department of Justice provides assistance with respect to issues surrounding victims of violence. It already offers a variety of programs and services, including the victims fund and the Federal Ombudsman for Victims of Crime. In fact, in 2007, our government made a \$52 million commitment over four years to increase services for victims and funding to the provinces for elements of their programs.

Finally, our government is also working to better protect Canadians against those who commit serious and violent crimes. In February 2008, the Tackling Violent Crime Act became law. This act strengthens the Criminal Code in the following five ways: mandatory prison sentences for criminals who commit crimes with guns; tougher bail rules to make it easier to keep people accused of serious gun crimes off our streets; a higher age of protection, that is, 16 years old, to protect children from sexual predators; new stronger measures against impaired driving; and more effective sentencing and monitoring to prevent dangerous high-risk offenders from offending again. Collectively these will certainly have an impact on reducing the number of victims.

Our government is concerned about the impact of violence on all Canadians and it is taking measures to address these concerns. We always welcome ideas for improvements to programs and services to respond to the needs of victims and their families. However, further consideration is required to determine whether employment insurance is the most suitable income replacement instrument for addressing this issue.

I want to assure the House that our government acknowledges the extensive work done by groups engaged in promoting a better understanding of the needs of victims and their families. These include the Murdered or Missing Persons' Families Association, led by Pierre-Hughes Boisvenu.

However, we believe that the Canada Labour Code should not be amended in such a piecemeal manner. We strongly believe that adopting a comprehensive approach would enable us to address more efficiently the needs of employees whose family member has been a victim of violent crime, has committed suicide, or whose child has disappeared.

For all of these reasons, the government cannot support this bill and intends, at the appropriate time, to move forward on this issue and introduce its own legislation for unpaid leave for victims of crime. This area is an important one and these issues need to be addressed, but they need to be addressed in a comprehensive manner.

Going through the employment insurance program is not the way to go. The system is not specifically designed for that and this may not be the time to work through that. As I have said, the government will be introducing legislation and certainly will deal with the issues that have been raised.

• (1905)

**Hon. Maria Minna (Beaches—East York, Lib.):** Mr. Speaker, I rise tonight and am glad to speak on Bill C-343, An Act to amend the Canada Labour Code and the Employment Insurance Act (family leave).

First, I want to say that while I have some concerns about the bill, they are things that could actually be better addressed at committee, so I support sending this bill to committee.

We definitely all understand the crises and trauma that families and individuals can go through when a crime is committed. This is something for which victims in this country do not get a great deal of attention, and this is critical.

### *Private Members' Business*

The main provisions of the bill, I noticed, mirror to some degree the legislation that already exists in Quebec. I know the hon. member has obviously taken the information and used the Quebec model to draft her bill, which I believe was a good direction to go.

The bill allows employees to take unpaid leave from work for family-related reasons, specifically when there is a criminal offence. Some of the provisions, as others have mentioned before, are there to allow the minor child to carry on activities because the child suffers a serious physical injury. Again, the parent could take time off if that had happened because of a criminal offence.

We need to talk about the trauma that families have when these kinds of things happen. The bill, as I mentioned earlier, addresses the spouse, common-law partner and the child, but does not mention the mother or father. I note that it did not much refer to those issues, and that is something that we may want to look at, as other members of the family are certainly victims of acts of crime at times, and I just wondered why that particular aspect was not mentioned or is not in the bill at this point. However, the bill goes on to cover things such as the death of a spouse or common-law partner as a result of a criminal offence.

According to the bill, in the case of a minor child, the child must be under the age of 18. This is what the hon. member was mentioning as a concern, although I think that is a reasonable thing to do. Unpaid leave of up to 104 weeks is granted if the child is injured as a result of a criminal offence and if the presence of the employee is required by the child.

There are different times mentioned in the bill. Fifty-two weeks of unpaid leave is granted if a minor child is missing. However, if the child is found, the leave ends after the eleventh day following the return of the child. So there are some parts of the bill that actually take into account different situations or possible different scenarios, and that is helpful.

The 104 weeks of unpaid leave are granted if the child, spouse or common-law of the employee dies during the commission of, or as a direct result of, a criminal offence. This bill is very much tied to addressing the issue of victims of criminal activity, and the bill is very clear, in case anyone is concerned about it. The employee may not benefit from these provisions,

if it may be inferred from the circumstances that the employee—or...the deceased person, if that person is the spouse, common-law partner or adult child—was probably a party to the criminal offence....

This again reflects very closely the provisions in the Quebec legislation, if I am not mistaken from having taken a brief look at it earlier today.

Losing a child or a spouse is one of the most difficult circumstances anyone could ever face and has a traumatic effect on all members of the family. In my riding, about a year ago on New Year's day, a young woman by the name of Stefanie Rengel was killed, stabbed practically next door to her own home. Her mother did not hear her cry because it was late and it was outside. She died on the snowbank a couple of doors from her own home. It was a horrible crime and I still remember going and meeting with the parents and discussing the situation.

*Private Members' Business*

● (1910)

It was one of those things where no one could ever say anything that would help. Being sorry would not cut it. The trauma suffered by the mother, father, brother and other family members has been tremendous. They have been through a difficult time.

We all know that criminal offence victims who face serious injuries require the help and support of their families. All efforts should be made to ease the challenges in meeting those needs. Those who survive injury need time to deal with the trauma. The family, children or spouse of a victim also need time to rebuild their lives and get back to a normal life. This is something that is extremely important. We take our safety for granted sometimes. No one believes that it will hit us, but unfortunately it can and it does, as some of us have seen.

As I said earlier, there are areas of this bill that need study. I believe the committee needs to look at a couple of things, but those are not insurmountable or things that cannot be addressed.

I am going to highlight some of those areas. For instance, in the case of a physical injury to a child, an injury is deemed serious if it renders the child unable to carry on regular activities. I am not sure that the bill is clear on what regular activities are and whether it is limited to attending school or it includes other activities, but I think it is important to be clear so the interpretation is not wrong.

In another section, as I mentioned earlier, family leave is restricted to an event that happens to the child or spouse. However, what about a father, mother or any other family member? I do not want to expand on it too much, but mothers and fathers are obviously considered to be immediate family members.

I am going beyond the age of 18 and 19, and maybe there is something to be said about the age equation. I am not quite sure that the impact is much different if somebody loses a child at the age of 19 or 20, especially if they lose that family member through a criminal offence. I think that is worthwhile to discuss at committee.

There is another aspect to this. We have the question of the cost of allowing employees on family leave to receive EI special benefits. That is very important. The bill allows for a maximum of 52 weeks of special benefits, compared with six weeks on compassionate leave and 15 weeks for sick leave. I think we might want to look at expanding compassionate care or compassionate leave.

We are going to have different categories, and maybe this type of legislation could be in one category. I know that the Standing Committee on the Status of Women did a study with respect to the reform of EI specifically. Some of the recommendations dealt with compassionate leave.

We are looking at increasing and expanding compassionate leave. This might be something that would fit into that area. I think it would be worthwhile to look into it. It is certainly something we may want to discuss and potentially change. Compassionate care and compassionate leave is something we already have in the EI legislation, and it may be something we could expand.

The committee also looked at taking some of these things out of EI. That is something important that we would want to look at.

The Canada Labour Code currently does not specify that an individual can take unpaid leave when his or her family has suffered a major loss, including the death of a spouse, common-law spouse or child as a result of suicide or criminal offence, nor if a child has gone missing. As I said earlier, it is not there. I understand what the hon. member is trying to accomplish with this bill. However, there are some clarifications that I think the committee should look at.

We will support the bill, but some of these things could be looked at in committee to clarify them further and ensure that when the bill comes back to the House it will have more clarity.

● (1915)

**Ms. Chris Charlton (Hamilton Mountain, NDP):** Mr. Speaker, I am delighted to speak to Bill C-343, An Act to amend the Canada Labour Code and the Employment Insurance Act (family leave) brought forward by my colleague, the member for Compton—Stanstead.

As the title suggests, this is indeed a bill that seeks to reform Canada's labour laws, but in essence it is about our society's treatment of victims of crime. I will be interested to see how members of the Conservative Party end up voting on the bill. Their rhetoric of course is all about law and order. It is all about getting tough on crime. Yet if we look back on all the bills that have been introduced in the House under the auspices of the government's crime agenda, it becomes painfully obvious that it has focused almost exclusively on the offenders and how they are treated by the criminal justice system.

As I have said elsewhere, when those bills made sense, I was proud to stand in my place to support them. Other bills I voted against because in the view of experts they constituted bad public policy. However, throughout the countless hours of debate that we have had on these bills, I do not recount the government bringing forward a single piece of legislation that spoke to the needs of the victims of crime.

Surely we need to be smart on crime and not just tough on crime. Instead of focusing solely on the enforcement side of the law a smart agenda on crime needs to incorporate policies on prevention and it needs to have a plan for assisting the victims of crime.

Historically, the criminal justice system consisted of two parties: the offender and the victim. The victim initiated and handled the prosecution of the offender. That scenario is a far cry from the scenario we have today where the only two parties involved are the offender and the state, and where the victim is at most a witness for the prosecution. Today, a crime is considered to have been committed against the state, not against the victim.

Through years of determination and hard work, the voices of victims began to be heard. Change began when victims themselves began to speak out about the system and its shortcomings. When police and others within the system began to validate what the victims were saying and supporting their message, people began to take notice.



The victims' rights movement in Canada really has its foundation in the feminist movement and the results they obtained for women victimized by domestic violence and sexual assault. In Canada since the early 1980s, victims' organizations like Victims of Violence and CAVEAT have convinced various governments that the role of the victim in the process is an important one and that it should be recognized.

Changes with regard to the Criminal Code and victims' rights legislation were a direct result of the courage displayed by victims who allowed society to benefit from their experience within the system. Their influence is not limited to ensuring that victims have their rights respected throughout the process, but as well with regard to legislation that will prevent future victims. They want to enhance services and promote justice for all victims of crime and tragedy.

It is out of this strong advocacy tradition that support for Bill C-343 has grown.

The impact of serious crimes or tragedies is not just felt by victims in the realm of the criminal justice system. It is felt in all aspects of their lives. With the vast majority of adults participating in the labour force, it is immediately felt in the competing demands of work and family.

Even in the absence of personal tragedies, it is a challenge for working Canadians to meet the demands of both their jobs and their families. According to an Ipsos Reid poll in October of 2000, balancing work with home and personal life was the greatest source of stress for 45% of Canadians. The poll also showed that 42% of Canadians said their stress had increased over the past five years, while 21% said it remained the same.

There are a whole host of reasons for that.

About 70% of women with young children are in the labour force, more than 15% of families with children are led by single parents, the vast majority of them women and 18% of Canada's population has a disability, yet there is still almost no accommodation of their work and family needs.

As the aged population grows, more and more working Canadians are faced with caring for elderly relatives. In fact, one in four Canadians now provides some form of care to an elderly relative. Clearly, balancing work and family life has become a critical problem for workers right across our country.

However, imagine how much worse those already existing pressures become during times of personal tragedy. Imagine the pressures when a child or spouse commits suicide. Put oneself in the shoes of a parent whose child has disappeared. Imagine trying to cope with the aftermath of a child being seriously injured as a result of a criminal offence. What would happen to families whose child or spouse died as a result of a criminal offence.

• (1920)

Thankfully for most of us, those are pressure we may never have to face. However, that does not mean we do not have an obligation to recognize, understand, and accommodate them. That is precisely what the bill before us today is all about.

### *Private Members' Business*

Many jurisdictions in Canada have already incorporated some provisions dealing with family leave and compassionate care leave into their employment laws. In other areas it has been the labour movement that has fought for these benefits on behalf of its members at the bargaining table. Negotiated agreements often provide much better protection for organized workers than employment standards legislation offers.

However, the labour movement never rests on its laurels. It keeps alive the spirit of CCF/NDP founder, J. S. Woodsworth, by acting on the credo: what we desire for ourselves, we wish for all. In that way the labour movement fights for all workers in our country and not only its membership.

That is why the Canadian Labour Congress, representing over three million workers in Canada, supports the legislation that is before us today. Like members in this House, the congress is keenly aware that the only jurisdiction in Canada that currently has legislation to assist families who are victims of crime is the province of Quebec. That simply is not good enough. Victims' rights should be recognized from coast to coast to coast.

It is true that the Canada Labour Code only sets labour standards for employers and employees under federal jurisdiction. These include sectors, such as air and marine transportation, interprovincial and international rail, road and pipeline transportation, banking, broadcasting, telecommunications and crown corporations. However, as the federal government is often seen as setting the national standard that provinces then follow, it is imperative that these amendments to the Canada Labour Code be adopted.

I will briefly address the details of what the bill proposes. Bill C-343 is a nine clause bill that would modify the Canada Labour Code to allow employees to take unpaid family leave because of (a) a serious physical injury to their minor child as a result of a serious criminal offence; (b) the disappearance of their minor child; (c) the suicide of their spouse, common-law partner or child; or (d) the death of their spouse, common-law partner or child as a result of a criminal offence.

Importantly, it would then also amend the Employment Insurance Act to allow employees on family leave to receive special benefits.

The precise wording of the bill does raise some questions. Unfortunately, debate at second reading does not allow the author of the bill to respond to concerns in this House. These are not questions for which the answers will determine my support for the bill. I support its intent unequivocally. My concerns are of a more technical nature and I am certain we will be able to work out the details once the bill gets into committee.

*Private Members' Business*

However, let me flag them briefly so that, as the member for Compton—Stanstead, we will be aware. Why, for example, does the bill offer 104 weeks of leave for a physical injury that prevents a child from carrying on regular activities, while the disappearance of a child only leads to a maximum of 52 weeks of leave?

Why is family leave restricted to an event that happens to a child or spouse? How about a father or mother or another family member living in the same residence?

The bill deems an injury to a child serious if it “renders the child unable to carry on regular activities”. It is not clear whether regular activities are limited to attending school.

Finally, the bill suggests that nothing prevents an employer from dismissing, suspending or reassigning an employee if the consequences of the criminal offence or the repetitive nature of the leave constitutes a just and sufficient cause. I worry this may contradict what I understood to be the essence of this bill, which is to allow employees to take an unpaid family leave in such circumstances and to be protected from dismissal for this reason.

Again, I am confident we can resolve these issues in committee.

For now I will commend the member for Compton—Stanstead for bringing this bill forward. I look forward to working with the member as we amend Canada's labour laws to support victims of crime.

● (1925)

[Translation]

**Mr. Yves Lessard (Chambly—Borduas, BQ):** Mr. Speaker, congratulations are in order for my colleague from Compton—Stanstead, who introduced this bill and did such a good job of explaining it in the House.

The examples she provided and her references to the families reminded us all of painful memories associated with sometimes sordid crimes and unexplained disappearances. If we feel shaken up just thinking about it, imagine how the families dealing with such tragedies must feel.

We are coming into a period of celebration for all Canadians, but we must not forget that people suffer from these crimes all the time. When we talk about this problem, about the challenge before us, I can see that members of every single party understand the scope of this bill even though we do not all have the same understanding of its intention. For example, the government's parliamentary secretary said he understood the intention, and his remarks led me to believe that he would vote in favour of the bill. I was confused when I realized that his party would not be voting for the bill.

However, I did get the feeling that he was aware of the situation and understood the intention of the bill. In fact, he began his remarks by saying that he understood the intention.

Of course these crimes are tragedies for those who are directly affected, but they are also tragedies for their loved ones, the people who, in many cases, are forced to live with situations that are sometimes so intolerable they have to quit their jobs. Until now—and in Quebec, until September 2007—nothing has been provided for these victims. In Quebec, Bill 58 introduced provisions enabling these people to take leave from work for a year or two depending on

the circumstances and the act or event. By that, I mean crimes as such or events like disappearances and suicide.

In cases of suicide or disappearance, the authorized leave period is one year—52 weeks—and employers must authorize such leave. In the case of crimes such as homicide, leave periods may be as long as two years.

Quebec law is very clear about the rights of employees and the obligations of employers. Respectively, they are entitled to and required to provide only one period of leave without pay.

This situation must be remedied, because we have to understand that families in such situations bear a double burden. Not only are they forced to take a leave of absence from work, but they have no income.

The bill introduced by my colleague from Compton—Stanstead offers a solution that requires that two acts be amended. First, the bill amends the Canada Labour Code to recreate the provision that already exists in Quebec for the whole of Canada by entitling employees to a leave of absence for the same length of time, one or two years.

● (1930)

Both my Liberal colleague and my NDP colleague who spoke just before me talked about the need to amend the bill, because they already see flaws in it. We are quite willing to look at any measure to improve the bill. That is why we hope it will be passed at second reading and referred to committee.

The Canada Labour Code must be amended to allow employees to take a leave of absence from work. However, the issue of benefits has not been addressed. That is where the amendments to the Employment Insurance Act and regulations come in. These amendments would enable the individuals concerned to have income for the same length of time as in Quebec, that is, one or two years, depending on the nature of the event or crime.

This is a purely technical exercise, and there is no need to go on forever about it. But we do need to take the time to understand the scope of this bill in relation to two suggestions that were made previously by the other three parties in the House. It was suggested that the bill be modelled on existing measures such as the 15 weeks of leave for serious illness or the six weeks of compassionate care leave. We are willing to look at that, but it seems to me that we are talking about something completely different.

We must consider these measures in relation to their purpose. I can already tell the House that the Bloc Québécois has a motion to increase the number of weeks of absence in the case of serious illness and for compassionate care leave, similar to the suggestion by the parliamentary secretary, while keeping in mind the purpose of each measure.

A petition has been circulating for a few months now. I have a petition here that has been signed by 55,000 people, and I have been told that 10,000 others still want to sign. This petition aims to encourage the House to improve these two measures for individuals during difficult times, for example when they must take sick or compassionate care leave. That is something completely different.

Let us get back to Bill C-343 from the member for Compton—Stanstead. In conclusion, I remind members that the purpose of the provisions of Bill C-343 is to amend the Canada Labour Code and the Employment Insurance Act to give benefits to individuals who have been the victim of a crime or who have had a loved one disappear.

I think I am the last to speak in this session, before we leave for Christmas. Happy holidays, Mr. Speaker, and the same to our parliamentary colleagues, and especially to my constituents in Chambly—Borduas.

● (1935)

[English]

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, I am very pleased to speak to Bill C-343.

This is an important bill, one that I think will get a lot of support in the House. I am rather disappointed to hear the Conservatives' opinion about it. They do not feel they will be able to support the bill. They have suggested they will come up with their own legislation to take its place. I guess the government will sell it as part of its crime agenda.

This is solidly based legislation and the NDP supports it.

Bill C-343 would extend workplace benefits to victims of crime and their families. The bill would amend the Canada Labour Code to allow employees to take unpaid leave from work for the following family-related reasons: first, the inability of their minor child to carry on regular activities because the child suffered a serious physical injury during the commission of or as a direct result of a criminal offence; second, the disappearance of a minor child; third, the suicide of a spouse, common law partner or child; and fourth, the death of a spouse, common law partner or child during the commission or as a direct result of a criminal offence.

All these occasions would be extremely stressful for families. It is important that they be allowed to take time off work because of the enormous stress associated with any one of these developments. The parties would need counselling. I would think it would be very hard for people to concentrate on what they were doing. We need to deal with these major issues.

Since 1969, the province of Manitoba has had a fund called the criminal injuries compensation fund. Some other provinces might have a similar thing. The fund provides benefits to people who have been hurt as a result of criminal acts. I would be surprised if Manitoba was the only province with a criminal injuries compensation fund. It is one province of which I am aware.

The bill would also amend the Employment Insurance Act to allow these employees to receive benefits while on leave.

I want to point out that the Conservative government talks a lot about crime. We spent an entire week in this place on crime bills. It

was almost like a factory. There was a new bill every day of the week. I rather enjoyed the process, but it was difficult to keep up with the bills.

On CTV, I would hear that the government had announced another crime bill. It had two days of free coverage without us even seeing what the bill was about and then doing the necessary research to respond in short order. Then the very next day, there would be another one. It was as if it would never end. I am sure the government has many more such crime bills planned for the upcoming year.

The Conservatives always talk about being tough on crime. The NDP wants to be smart on crime not just up on crime. The fact is the Conservatives talk a great line about the victims of crime, but where are they when it comes time to do something about the victims? They are big on talk, but they are not so big on action.

● (1940)

Bill C-343, proposed by the member, does that. The bill does what the government talks about but does not actually do anything about.

I am really surprised that the government would take this very negative position on this bill and on many other good ideas that members in the opposition come forward with. It always has to find a reason why it is a bad idea and why it cannot support it.

For example, tonight the government talked about how it has costed the bill out already and that the effects of the bill are going to cost the system \$340 million to \$410 million. How in the world did the government come up with figures like that? Does it know what the crime rate will be? Supposedly, with all its great initiatives in its crime bills, the crime rate will come down. Therefore, there will not be the amount of crime that it is talking about.

Therefore, how would it be able to project figures—

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

The hon. member for Elmwood—Transcona will have four minutes remaining when this matter comes before the House again.

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## ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

*Adjournment Proceedings**[Translation]*

## MUSEUMS

**Mr. Richard Nadeau (Gatineau, BQ):** Mr. Speaker, it is proving impossible to reach a negotiated agreement with the Canadian Museum of Civilization Corporation. The employees of the Canadian Museum of Civilization and the Canadian War Museum have been on strike since September 21, 2009. At the end of August, the 420 workers voted 92% in favour of the strike.

From the beginning, the union has clearly indicated to the employer, to a mediator, to members of Parliament and to the general public that the employees of the Canadian Museum of Civilization Corporation are simply asking for employment conditions similar to those offered in other museums and cultural institutions in the region.

Specifically, these conditions include layoff protection, protection against subcontracting, a commitment to promote stable, permanent employment, and salaries that are in line with those paid at other museums in the region. The Canadian Museum of Civilization Corporation's position falls short in all those areas.

Regarding layoff protection, the Canadian Museum of Civilization Corporation insists on maintaining its capacity to lay off employees as it sees fit. When layoffs do occur, the corporation refuses to recognize the employees' years of service to the organization.

Regarding protection against subcontracting, the employer wants to maintain its authority to contract out certain jobs.

Regarding fairer treatment for term employees, the employer wants it to be more difficult for certain employees to get indeterminate positions. Again, 38% of the staff is temporary.

Regarding salaries and other monetary items, the employer's position is such that employees lag far behind those of other museums in the region. However, the Canadian Museum of Civilization Corporation has recognized from the outset that recruitment and retention are serious problems.

In terms of the overall situation, the striking workers from the Canadian Museum of Civilization and the Canadian War Museum have massively rejected the final offer presented by the Canadian Museum of Civilization Corporation. The workers came together at a meeting and 96% rejected the offer.

After the vote, the Public Service Alliance of Canada informed the Minister of Labour that it would be impossible to reach a negotiated agreement with the Canadian Museum of Civilization Corporation and therefore asked for her direct intervention to settle this dispute without further delay.

The statements made by the Canadian Museum of Civilization Corporation after the vote only confirm to what extent the parties are divided on the issues. Given the length and intensity of the strike, binding arbitration is a reasonable solution to end the dispute.

We are therefore asking the Minister of Labour to provide a reasonable solution by imposing binding arbitration.

● (1945)

*[English]*

**Mr. Ed Komarnicki (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC):** Mr. Speaker, I am pleased to have this opportunity to provide further information in response to the question raised by the hon. member for Gatineau, who obviously has an interest in seeing a positive outcome to this matter, as we all do.

The strike at the Canadian Museum of Civilization Corporation has been going on since September 21, when 420 members of the Public Service Alliance of Canada walked off the job.

All members of the House hope that the parties can resolve this dispute soon, and all members, I am sure, would urge the parties to give it their best efforts.

The hon. member for Gatineau would like the minister to intervene further by imposing arbitration. I would remind the House that the Canada Labour Code provides the foundation of labour relations in our country, and part I in particular, outlines the steps that parties, including labour, management and the minister can take in these situations.

Just as important, I would remind the House that this code is a finely balanced piece of legislation that has been refined over the course of several decades by Parliament, with the input and advice of experts who, over the years, have guided various amendments since the original Conciliation Act was passed in the 1900s.

The code is built upon the long tradition of labour legislation and policy to promote common well-being through free collective bargaining and the constructive settlement of disputes. It supports freedom of association and free collective bargaining as the basis of effective industrial relations.

That code balances the interests of both labour and management and, as a result, Canadian labour relations have recently enjoyed a degree of relative stability.

The hon. member for Gatineau would like to have the minister and the government intervene in a way that is not appropriate in this case. The best solution is always for the parties to reach a settlement themselves, assisted as needed by conciliators and mediators.

Under the code the minister has various options. For example, in this case, when given notice that parties failed to renew or revise their collective agreement, she appointed a conciliation officer on July 3.

On August 27 the parties were released from the conciliation process. On that date, the union members voted 92% in favour of strike action.

Once the conciliation process has concluded, the code provides the minister with the authority to appoint a mediator. This was done on August 31.

On September 17 the union gave notice to the employer that it would take strike action on September 21 if a settlement could not be reached.

The settlement was not reached, and the union members of the War Museum and the Canadian Museum of Civilization did indeed begin their legal strike on September 21.

On November 20 the parties agreed to resume bargaining talks with the mediator. However, unfortunately, no settlement was reached.

There is another avenue that remains, and that is arbitration. The parties may agree in writing to refer outstanding issues to an arbiter for binding arbitration and determination. Both sides must, however, agree to go to arbitration. The minister does not have the legal authority to impose arbitration without the consent of both sides. It is clear that in order to refer their outstanding issues to arbitration, the two parties need to come to an agreement.

The strikers have voted to pursue arbitration. The Canadian Museum of Civilization Corporation has indicated it does not wish to go to arbitration, so there is no legislative authority for the minister to get involved in this strike by appointing an arbiter to settle the dispute.

We would again urge the parties to get back to the bargaining table and to use their best efforts to bring in a resolution they can all live with.

• (1950)

[Translation]

**Mr. Richard Nadeau:** Mr. Speaker, according to this morning's *Le Droit*,

The architect of the Canadian Museum of Civilization, Douglas Cardinal, is "appalled" to see how the museums' workers, who have been on strike for 81 days, are being treated.

"Museum workers are guardians of Canadian heritage and the keepers of our national treasures," he said. "It's absolutely shameful that the museums' management is not in dialogue seeking a mutually harmonious resolution [to the conflict]."

The internationally renowned architect, now 75, spoke out yesterday in support of the 420 striking employees of the Museum of Civilization and the War Museum.

I wholeheartedly agree with Mr. Cardinal.

The 420 striking workers want the Minister of Labour to keep the strike from dragging on any longer. She must intervene and impose binding arbitration. That is a reasonable solution to put an end to the conflict.

[English]

**Mr. Ed Komarnicki:** Mr. Speaker, I would like to remind the hon. members of the House that this is a legal strike and that the Minister of Labour has done everything she can to help resolve this dispute.

The Canada Labour Code clearly establishes the roles and responsibilities of the government and the Minister of Labour. In this case, she has exercised every option available to her to help the parties resolve their issues.

Any further involvement by the government would be detrimental to the resolution of this labour dispute. The parties have to work together to reach a settlement. If they cannot achieve such resolution, they could both agree to submit all issues to binding arbitration.

### *Adjournment Proceedings*

It is clear that acting within her authority, the minister has sought to facilitate a timely and equitable resolution. This is why the minister is urging the parties to go back to the bargaining table and, with the assistance of a mediator, find a solution to this dispute. Everyone in the House would like to see that and it is in the interests of everyone.

### HEALTH

**Ms. Kirsty Duncan (Etobicoke North, Lib.):** Mr. Speaker, in preparing, responding to and recovering from the H1N1 pandemic, Parliament's focus must be to reduce the rate of hospitalizations, illness and death, as well as to reduce economic and social impacts. Therefore, our discussions must remain on the winding down of the second wave, as well as preparing for a possible third wave.

Having said this, we are here to address a question regarding communication and consistent messaging. Before I address challenges, I want to recognize the government's effort in producing a guide, information sheets, radio and television ads, et cetera, during the mid-fall. I also want to recognize Dr. David Butler-Jones, who made himself available to me several times to answer questions regarding vaccine research and safety.

However, we missed a window of opportunity in the summer to adequately prepare Canadians for a possible second wave. That is to first, let families know that for the vast majority of Canadians H1N1 would be a mild illness, but for a small percentage it would be a very severe, potentially fatal disease; and second, to inform Canadians of the best way to prevent the spread of the disease and to reduce the risk of contracting it.

Tragically, it was a bereaved family that shook the complacency of Canadians when their young hockey-player son passed away. The family wanted other families to know that H1N1 could be deadly so that no other family would have to suffer as theirs had.

Communication is vital in responding to any crisis and clear, consistent messages are required. Prior to asking tonight's question in the House, MPs' office had been inundated by health care workers and the public who wanted real answers.

Perhaps the greatest confusion surrounded vaccine for pregnant women. The WHO advisory panel on vaccines recommended on July 7 that non-adjuvanted vaccine be used for pregnant women if it were available. However, the government ordered adjuvanted vaccine on August 19, and not August 6 as earlier stated, and later ordered non-adjuvanted vaccine on September 4.

Why were pregnant women an afterthought? When the WHO made its recommendation in July, there was no safety data for the adjuvanted vaccine in pregnant women and expectant women fared poorly during past pandemics.

The government then recommended that pregnant women wait for the non-adjuvanted vaccine unless the cases of H1N1 were rising in their area. If a woman was over 20 weeks, she should take the adjuvanted vaccine.

*Adjournment Proceedings*

To add to the confusion, the government then ordered 200,000 doses from Australia. This meant that expectant women in Canada had to make a choice that they should never have had to make: risk getting H1N1 or risk taking a vaccine for which there were not yet clinical trials in pregnant women.

The position was eventually clarified, but the damage was done. Research shows that the first message received on a particular subject sets the stage for a comparison of all future subjects; that is, if the public cares that the world is flat and someone comes along and says the world is round, the latter message may face some resistance because of preconceived ideas on the subject.

Preliminary data shows that the vaccine uptake among pregnant women in Manitoba is lower than other priority groups considered at high risk of falling severely ill from H1N1 influenza. Consistent messages are vital and inconsistent messages will increase anxiety and quickly torpedo credibility of experts.

● (1955)

**Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC):** Mr. Speaker, I appreciate the opportunity to respond in greater detail to the matter raised by the member opposite in regard to the Government of Canada's efforts to keep Canadians apprised of the developments on the H1N1 front.

We on this side of the House fully recognize the importance of sharing timely information and of conveying it to Canadians in a clear and consistent way. We recognize the need for using multiple communication channels to get the message out. We recognize the need to partner with others, with the provinces and territories, with health professionals and with community organizations to get these messages out.

We recognize the need to apply basic principles of risk communication, of ensuring people understand how serious the issue is, what they should expect, the steps they can take to protect themselves and their families, and where to access the latest information. More to the point, we acted on the knowledge. The scope and breadth of our activities to keep Canadians apprised of the latest news of the H1N1 vaccine has been unprecedented, and against a backdrop of constantly evolving scientific knowledge about the virus and ongoing developments on the vaccine production front, we have done an admirable job.

I know the hon. member opposite is aware of the diligence with which the Minister of Health has acted to keep all members of the House up to date on this issue. Since the beginning of the outbreak, the Minister of Health and her officials have appeared before the Standing Committee on Health some 10 times. She has participated in multiple debates in the House on this issue and has answered all questions put to her by the opposition fully, responsibly and respectfully. Mr. Speaker, you know that, the hon. member knows that, and all other members of the House know that. Rather than debate subjective issues, let us look at some of the hard facts about how extensive our efforts have been to share information with Canadians on the H1N1 virus, on public health measures, and on the benefits of getting vaccinated.

Indeed our comprehensive citizens readiness marketing campaign for the H1N1 flu virus was launched in late April, shortly after the significance of early reports of a potential flu pandemic could be

assimilated. Our first step was to immediately issue travel advisories in English, French and Spanish for travellers coming to Canada from Mexico, or visiting Mexico from Canada. Since then, our efforts have remained ongoing and multifaceted. Let me give a few examples.

Since the outbreak was first reported in April, the Minister of Health and Public Health Agency of Canada officials have participated in no less than 48 separate press conferences. Our FightFlu.ca website has had six million hits. We have posted guidance documents on the site for families, health professionals, parents and businesses. We set up a toll-free 1-800 service to respond to questions from Canadians. To date, some 65,000 Canadians have called and their calls have been received and answered.

We have purchased H1N1 advertising in all mainstream media, including radio, television, and in daily and weekly newspapers. We have posted transit ads, posters and billboards. We have produced materials specifically targeted to first nations and Inuit communities in English, French and five Inuit dialects. We have also demonstrated our respect for new Canadians by purchasing advertisements in over 300 ethnic newspapers and 500 ethnic radio stations.

These are impressive efforts and they have been delivered in close partnership with our provincial and territorial counterparts. We have been working hard to coordinate core messages for H1N1 outreach activities with the provinces and the territories. Senior public health officials and senior public communications experts from all jurisdictions have been meeting on almost a daily basis to get it right and ensure our outreach is mutually reinforced.

● (2000)

**Ms. Kirsty Duncan:** Mr. Speaker, the low uptake of the vaccine among pregnant women today in Manitoba is a tremendous concern. Six per cent of deaths in the U.S. have been among expectant women, who make up a tiny percentage of the population.

Confusion also led to the initial ambivalence about the vaccine. When federal officials declared that Canada was in its second wave of the H1N1 pandemic, a poll revealed that almost half of Canadians did not plan on getting the vaccine created to stop it.

Simply having the vaccine is not enough to have a successful program. As a result, the minister and Dr. Butler-Jones were then forced to make a plea to Canadians. There is a very real risk of the flu. Even in its mildest form it is miserable, and at its worst it kills. The choice is simple: a safe and effective preventive vaccine, or a very real risk of disease. This message, the real facts about immunization, needed to be given during the summer.

I call on the government to increase its efforts in order to achieve the target of greater vaccination come January.

*Adjournment Proceedings*

**Mr. Colin Carrie:** Mr. Speaker, recent public opinion research underscores the success of the Government of Canada's efforts to keep Canadians informed about the H1N1 flu outbreak. For example, a significant part of our citizens' readiness efforts have focused on hand washing and the importance of coughing on one's sleeve. Not surprisingly, in all of our public opinion surveys, unprompted, Canadians named hand washing as an effective way to reduce the risk of getting and spreading H1N1. Knowledge of cough and sneeze etiquette has also been on the rise sharply.

More to the point, recent polls make it clear that the majority of Canadians are feeling well informed about H1N1 and are satisfied with the Government of Canada's response to the outbreak.

Mr. Speaker, this is likely the last debate of the decade, and I wanted to take a minute to thank you, thank my constituents of Oshawa, my colleagues and my staff for allowing me to be part of this wonderful institution. I want to wish everyone a very Merry Christmas. God bless Canada. I am looking forward to 2010.

**The Acting Speaker (Mr. Barry Devolin):** It being 8:03 p.m., pursuant to an order made earlier today, the House stands adjourned until Monday, January 25, 2010 at 11 a.m., pursuant to Standing Orders 28(2) and 24(1).

(The House adjourned at 8:04 p.m.)

The second session of the 40th Parliament was prorogued by royal proclamation on December 30, 2009.

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