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Speaker: The Honourable Andrew Scheer

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HOUSE OF COMMONS

Monday, October 15, 2012

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

● (1100)

[*Translation*]

BULLYING

Mr. Dany Morin (Chicoutimi—Le Fjord, NDP) moved:

That, given that bullying is a serious problem affecting Canadian communities, a special committee of the House be appointed and directed to develop a National Bullying Prevention Strategy to: (*a*) study the prevalence and impact of different types of bullying, including physical, verbal, indirect and cyber bullying; (*b*) identify and adopt a range of evidence-based anti-bullying best practices; (*c*) promote and disseminate anti-bullying information to Canadian families through a variety of mediums; (*d*) provide support for organizations that work with young people to promote positive and safe environments; (*e*) focus on prevention rather than criminalization; and that the committee consist of 12 members which shall include seven members from the government party, four members from the Official Opposition and one member from the Liberal Party, provided that the Chair shall be from the government party; that in addition to the Chair, there be one Vice-Chair from each of the opposition parties; that the committee have all of the powers of a Standing Committee as provided in the Standing Orders; that the members to serve on the said committee be appointed by the Whip of each party depositing with the Clerk of the House a list of his or her party's members of the committee no later than five sitting days following the adoption of this motion; that the quorum of the special committee be seven members for any proceedings, provided that at least a member of the opposition and of the government party be present; that membership substitutions be permitted to be made from time to time, if required, in the manner provided for in Standing Order 114(2); and that the committee report its recommendations to this House within one year of the adoption of this motion.

He said: Mr. Speaker, I am moving a motion to develop a national bullying prevention strategy. This is an issue that is very important to me. When I was elected a year and a half ago, I decided that my first bill or motion would be on bullying prevention. I rose in the House of Commons last winter to talk about the suicides of Jamie Hubley and Marjorie Raymond. Each time, I asked the Conservative government what it was going to do to protect our young people. The government responded with fine words, but a year later, there are still no concrete measures in place. That is why in June, I moved my own motion to create a special non-partisan committee of the House of Commons. I say non-partisan because we must put partisanship aside in order to truly address the problem of bullying here in Canada. It is a national problem that is getting worse, unfortunately.

I was bullied when I was young, but back then we did not have Facebook or social media. Unfortunately, social media has only made the problem worse. It is why we are seeing more tragic stories in the news about young Canadians who decide to take their own lives after being bullied. This is the perfect opportunity for all parties in the House of Commons to put partisanship aside and work together to develop a national bullying prevention strategy as outlined in my motion.

The first part of the motion seeks to study the prevalence and impact of different types of bullying in Canada's communities, including physical, verbal, indirect, such as rumours, and cyberbullying. Every type of bullying is different and comes with its own set of problems.

Once we have collected the research on bullying and determined whether or not more research is required, we can address the second part of the motion, which consists of examining international anti-bullying best practices and the measures that have been implemented across Canada. Some provinces have implemented good initiatives. We must see how the House of Commons and the Canadian government can support them. Other countries such as Finland, the United States and Sweden have also come up with interesting initiatives. The special committee should examine these international initiatives and determine which ones could be implemented in Canada. In 2012, bullying is a problem that exists not just in Canada, but in other countries as well.

In seeking solutions, we do not have to reinvent the wheel. Moreover, my motion is not a miracle solution to this problem. The provinces have introduced good initiatives. School boards and teachers are doing good work in our schools. But what is the federal government doing about cyberbullying? Bullying in schools comes under provincial jurisdiction, and the federal government must help the provinces and school boards to adequately protect our youth. However, cyberbullying comes under federal jurisdiction because it involves telecommunications. The government has various laws and regulations at its disposal to help it be proactive and lead the way. In my motion, leadership is key. In fact, it is important for all parties in the House of Commons to put partisanship aside and to work together for the well-being of our young people.

The third part involves giving Canadian families all of the good information that is found, since at the end of the day, they are the ones who have to deal with bullying. They may worry that their child could be the victim of bullying, or they may know that he or she is but not know what to do. Changing schools is not an ideal solution, but as I mentioned, there is no perfect solution. I think that it could be very helpful to give good information to Canadian families. The federal government must play a role in coordinating all this. It must support people who are working on the ground. It must help the provinces, school boards and parents. It can be a leader and engage people on this issue.

● (1105)

The fourth part involves supporting organizations, which are doing a good job and have experience on the ground. Their realities vary from one province to the next. A number of stakeholders, organizations and foundations have different expertise. I look forward to hearing what they have to say in committee. They will help flesh out my motion, which aims to create a national bullying prevention strategy. It is important to listen to them.

Furthermore, we must focus on prevention rather than criminalization. When a young person is bullied over a period of months and years, the damage is done. I am not saying that bullying should not be criminalized in some cases. It will be up to the non-partisan committee made up of Conservative, NDP and Liberal members to look at all of the possible options.

I was bullied from the age of 10 to the age of 15, so I know that punishing the bully or bullies—I had more than one—does not heal young people's scars. Over the past year, I was very sad to learn through the media of young victims of bullying who committed suicide. However, their deaths were not completely in vain since they made Canadians more aware of the fact that bullying must not be tolerated. This is not a normal stage in an adolescent's life. We also must not tell children that they just have to develop a thicker skin. That is not the solution.

I would like to offer my sincere condolences to the families and friends of the young Canadians who committed suicide this past year as a result of bullying. I have been working on this issue for a year, and I have felt sad about every case that has been covered by the national media; however, at the same time, I have also taken comfort from the fact that I am on the right path. The federal government must play a leadership role in this issue in order to save lives.

Mitchell Wilson was a young man from Ontario who had muscular dystrophy. He was 11 years old and he was being bullied. Unfortunately, he committed suicide at the age of 11 by tying a bag around his head. I am deeply shocked by these cases. The intent is not to point the finger at anyone. However, the federal and provincial governments, school boards and parents need to work together. We need to take action in order to resolve this problem or, at the very least, mitigate its effects.

Nova Scotian Jenna Bowers-Bryanton also committed suicide. She was being bullied on Facebook. She liked to sing, and bullies attacked her by posting on her YouTube account that she should kill herself because she did not have any talent. This was one of the factors in her suicide. The anniversary of Jamie Hubley's death is also approaching. He was a young man from Ottawa, Ontario. I remember that the Minister of Foreign Affairs was empathetic when I raised this issue in the House last year. This truly shows that all of Canada's communities and ridings—whether they be Conservative, Liberal, Bloc Québécois, Green Party or NDP—are affected by this problem.

Over the years, several members of the Conservative Party have used their time during statements by members to stand up for children who are being bullied. Both sides of the House of Commons feel a great deal of empathy regarding this issue. It is important to work together and put partisanship aside for the well-being of Canadian children. The highly publicized, high-profile cases have involved suicide, but most young Canadians who are being bullied do not get national media coverage. This is what concerns me the most.

● (1110)

Their everyday lives are a nightmare, while they suffer in silence. Their stories are never told, since many young people manage to get through this difficult stage.

I do not wish to dwell on my own personal experience, but it could provide some context. I started being bullied when I was 10 years old, but thank goodness, it only lasted until I was 15. I cannot take any credit, for I have no idea why the bullying stopped. I can only guess that the bullies finally grew up—and thank goodness they did.

Most mornings I went to school knowing that I could be bullied at any time between 8 a.m. and 4 p.m. However, when I took the bus home in the afternoon, I knew I would be safe with my loving family. I knew I would have a break from the bullying over the weekend.

Nowadays, social media have both good and bad aspects. Young people bullied in cyberspace have to live 24/7 with the pressure, stress and suffering.

We have to do something, because these young people cannot get away from the bullying. It is relentless. I believe that is the reason why this type of bullying results in more suicides.

Establishing this non-partisan committee is a gesture of goodwill. I could have introduced the NDP anti-bullying strategy, but I know how this House works. It is important to me that we put partisanship aside. I do not want to wait three years to implement a national bullying prevention strategy. I believe that this gives us the perfect opportunity to take action.

I sincerely hope that we will be able to establish this special non-partisan committee and that its members will work together to develop a strategy that includes all of the good ideas presented.

I am convinced that my colleagues opposite have some good ideas that I have not thought of on how to protect youth. I know that the Parliamentary Secretary to the Minister of Public Safety, who will speak after me, has her heart in the right place.

This is not the end of the story. We will continue to fight for our young people.

● (1115)

[*English*]

Ms. Candice Bergen (Parliamentary Secretary to the Minister of Public Safety, CPC): Mr. Speaker, I thank my hon. colleague for bringing this forward, for his very thoughtful and important comments and for sharing his personal story. I think all of us in this House can certainly relate, whether it is because we were bullied, our family was bullied or we saw others around us bullied.

I have a specific question with regard to Mr. Hubley, father of Jamie, who was on CTV's *Question Period* yesterday. He appreciated that the hon. member would be bringing this forward but he talked about needing immediate action as opposed to more study.

I wonder if my colleague could just speak, even from his own personal experience, to some of the things that could be done immediately at the local level, whether we are talking about schools, parents or other young people who are seeing bullying happening. What are some of the very specific things that can be done as a society to combat this?

Mr. Dany Morin: Mr. Speaker, I fully agree with Mr. Hubley. We do need more concrete action, which is why my motion would create a national strategy.

The fourth pillar of my motion is for the federal government to give more support to local organizations that are doing fantastic work.

It is good to talk about it in the media and in the House of Commons to bring awareness but we also need to talk about it with our own families and throughout Canada. I ask all those kids who are being bullied and who might not have spoken about it yet to please do. They should find a parent, a member of their family, a teacher or someone they trust because they will listen and ensure the bullying stops.

I would ask all parents to talk with their kids to find out what they are experiencing. Sometimes there are symptoms that indicate kids might be being bullied.

The federal government can do more.

[*Translation*]

Mr. Massimo Pacetti (Saint-Léonard—Saint-Michel, Lib.): Mr. Speaker, I am in favour of my colleague's motion.

My colleague represents a rather nationalist region. We know that schools in Quebec are working hard to address this type of crime or bullying, as my colleague just said.

How do the people in his region feel about the fact that he is asking the federal government for help?

● (1120)

Mr. Dany Morin: Mr. Speaker, I believe this is very well received. As I was saying, the bullying that occurs in the schools is subject to provincial legislation. There is no question that the Province of Quebec, the school boards and the teachers are the best equipped to handle these situations locally. However, the federal government has access to studies on best practices and could pass on that knowledge and information to the provinces. This could help them.

I do not think there is anything wrong with having too much information. However, the NDP believes there should not be any interference in Quebec's jurisdictions. The people I talk to about this in my riding are very supportive.

I want to thank the hon. member for raising this question. The NDP will certainly respect the provincial legislation in Quebec.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I want to commend the hon. member for Chicoutimi—Le Fjord. He has my support for this motion.

In his opinion, would it be a good idea to include on this committee representatives of the other parties in the House, such as the Bloc Québécois and the Green Party?

Mr. Dany Morin: Mr. Speaker, my colleague from the Green Party raises a good point.

The membership of the special committee is based on the usual membership of all the other committees. I wanted to make sure that this motion was adopted, so I kept the membership the same as that of a regular committee.

However, if a special committee is set up, I can assure the hon. members who are not represented on that committee that I will contact them so that their opinions are heard. The point is for the entire House of Commons to be non-partisan.

[*English*]

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Mr. Speaker, I thank the hon. member for Chicoutimi—Le Fjord for bringing this to the attention of the House. He has been asking questions since he arrived here to find out where the federal government will go on this issue and I commend him for bringing a motion forward that calls for action.

I know some people have said that this is just another study but I know the member's focus is really on the outputs of the committee. What kinds of things does he perceive will come from the committee?

[*Translation*]

Mr. Dany Morin: Mr. Speaker, I would like to thank my NDP colleague for his excellent question.

The first thing we need is for the federal government to play a leadership role with regard to cyberbullying, something that it is not really doing right now.

The first step that needs to be taken before jumping into this initiative or going into proactive mode is to gain a clearer understanding of bullying in Canada. Then, we can gather anti-bullying best practices from the various provinces and other places throughout the world in order to apply them in Canada. Finally, we can disseminate the information to families and help local organizations. This is meaningful action that would help a lot.

[*English*]

Ms. Candice Bergen (Parliamentary Secretary to the Minister of Public Safety, CPC): Mr. Speaker, I am pleased to have an opportunity to speak to the motion that is before the House. I commend my hon. colleague, the member from Chicoutimi—Le Fjord, for caring about this issue and bringing it forward today for discussion.

The issue of bullying should always be a non-partisan issue. It is too easy for us as politicians to take certain topics and use them as ways to attack each other. However, I can sense very strongly from my hon. colleague that is not his intent with this motion. It is to truly find ways to resolve and find solutions to the very real and very heartbreaking issue of bullying. For that, I recognize, acknowledge and commend him.

I will talk frankly for a moment about what bullying is, what it is not and the devastating effects and consequences it has, first and foremost, for the victims but also for their families, friends, school teachers and classmates.

Bullying is harassment. It is assault. It is threats as well as intimidation. It is violent and harmful. Bullying is always wrong and should never be tolerated. It is not merely childish behaviour. It is not boys being boys. It is not mean girls. It is not a rite of passage. Terms like these are attempts to lessen the severity and numb us to the impacts of bullying. Put simply, bullying should never be tolerated by any adult, teacher or parent, especially when it comes to our children.

Whether in classrooms, on the playground, during sporting or extracurricular activities, in our community centres or in our homes through social media, such as Facebook and Twitter, our children should always be protected from bullying and they should always know that there is someone who they can turn to for help.

Sadly, this past week we have seen yet another example of a young person who has taken her life believing that she had no way out of the torment of being bullied. All of us, whether as parents, educators or concerned citizens, share in the sadness and grief that Amanda Todd's family must be going through. We all ask ourselves how something like this could have happened and how we can stop it from ever happening again. All of us need to ask ourselves as adults and individuals if we are doing all that we can to stop bullying at its roots and to show by example that we truly believe that it needs to end.

It is also important to talk about what the government can do and where it can lead and show support. Therefore, I want to take a moment to talk about what our government is doing to help stop bullying.

Our belief is that this problem is best dealt with at the most local level, by the people who are in the core and closest to it, those who are in our schools, communities, health, education and law-enforcement professionals.

Communities and schools at the local level are in the best position to identify the risk factors in their local community. As well, they are in the best position to identify what their vulnerable children and teens have to deal with and what the solutions are, again at the local level. That is where our support is focused and where we believe funding can do the most good.

I will provide the House with some concrete examples of what our government is doing.

First, we are taking action to address bullying through the Public Health Agency of Canada, which, in conjunction with Health Canada, invests in a number of initiatives to help promote awareness and advanced action to address bullying. The Healthy Canadian website provides information on bullying and tips for bullying prevention and intervention. The WITS program, which stands for walk away, ignore, talk it out and seek help, teaches children in kindergarten to grade six to make safe and positive choices when faced with bullying, cyberbullying, peer victimization and conflict.

As well, the RCMP is very active in outreach and information dissemination on bullying related issues. For example, the force operates a website built by youth for youth called DEAL.org, which is a web-based program that offers resources to youth, parents and educators on issues such as bullying and cyberbullying.

Another way that our government is working to address bullying is through the national crime prevention strategy. Through the strategy, Public Safety Canada provides funding to organizations, including schools, to implement crime prevention projects and initiatives targeted to helping children, youth and young adults at risk.

● (1125)

I want to highlight that the prevention of bullying and violence in schools was recently included as a priority under the strategy in the current call for project proposals. It is concrete action such as this that demonstrates that our government is determined to work with our partners to continue developing new and innovative ways to address bullying.

We are moving forward through the concerted efforts of these organizations federally, as well as with our provincial and territorial partners. We are consulting with the provinces and territories as they develop and implement new initiatives in schools and classroom settings. We are unified in our efforts to stop bullying.

The motion before us suggests that we should establish a special parliamentary committee to examine various aspects of bullying and develop a national prevention strategy. Members will know that the other place adopted a motion last November authorizing the Senate Committee on Human Rights to examine and report on the issue of cyberbullying in Canada with specific regard to Canada's obligations under Article 19 of the UN Convention on the Rights of the Child. The committee plans to present its findings this fall and will also produce targeted publications for distribution to children, parents and teachers.

As well, the House is currently considering private member's Bill C-273, which seeks to address the issue of cyberbullying by amending three of several existing Criminal Code offences that can apply to bullying.

Yesterday,Ottawa city councillor, Allan Hubley, who sadly knows first-hand the impact of bullying, had this to say:

There is a time for action now instead of another study or anything like that.

I agree that it is time for action.

This Parliament currently has not one but two committees looking into the issue of bullying. What we would like to see is more information on how the committee that would be created by today's motion would interact with the work that is already under way.

All Canadians can be assured that we as a government and all hon. members are taking concrete action to prevent and reduce bullying. Bullying is not a part of growing up. It is not a rite of passage and it should not be treated as such.

We look forward to examining the recommendations from the two parliamentary committees already studying this issue. We also look forward to being further informed on the proposed committee and how it would interact with the recommendations and the conclusions of the committees under way.

● (1130)

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, this is such a timely motion in many ways because of the tragedy we saw with Amanda Todd, which everyone across this country knows about and is now a worldwide issue. I commend the member for bringing forward this motion.

While the Liberals will be voting in favour of it because it is a worthwhile motion, we think it does not go far enough. There is sufficient information out there with regard to bullying and all its forms. Studies have been done around the world and by the World Health Organization. We know that bullying has not only a physical toll but also a mental toll. We know that many people who are bullied get headaches, suffer from nervousness and anxiety, and can even get dizzy spells.

However, we also know that it can create depression in susceptible people and that it can create, in some instances, the ultimate tragic response of suicide. However, it is not only about suicide. There are people for whom bullying triggers a response of anger. We have seen people take a gun and go into a school and try to take out all the people who had bullied them or caused them such pain.

At the end of the day, bullying is not new. Bullying has been with us from the beginning of time. All of us understand it. All of us know about it. However, bullying used to be limited to school. It was some kid pushing, shoving or locking another student in a washroom and all of those kinds of things. It was mean girls who would call people names and treat them badly. Eventually, in the old days, the victims used to be able to grow up and leave school. They used to be able to go home to parents who could protect them and have a group of friends outside of school who could be there for them.

Bullying has changed. With the rise of electronic media, we know that bullying follows us everywhere. I remember speaking to a young woman before I brought in my private member's bill, Bill C-273, which seeks to put the issue of electronic and cyberbullying into the Criminal Code with other forms of criminal harassment, libel and spreading of false messages, et cetera. This young woman told me that she could not get away from the bullying. She said, "I go home and it is there. I turn on my email and it is there. I turn on my computer and it is there. I go away to spend holidays with my parents and family and it is there. It is everywhere".

The new social media allow cyberbullying to reach around the world so that someone in Germany today knows what someone is saying about a person. The messages also reach through a person's lifetime and are there forever. It does not matter where we go or how old we are, somebody can Google something about us that happened when we were in grade 11 or when we were 12 or 13 years old. In fact, cyberbullying can prevent someone from getting a job. We know that happens. A boss looks a person up on Google and, lo and behold, there is something about him or her that is not even true. It is false messaging.

We know it can carry on even after death. It will always be there.

Cyberbullying has given a new aspect to bullying, not that any bullying is right. As my hon. colleague in the Conservative Party said, it is not a rite of passage. It is not something we can tut-tut and say that we know about that from when we were in school. It can have dire consequences, and it used to. Today, because of mass communications, we know of the many people who are hurt physically and mentally by bullying because it is out there for us to find. It is in the media. We can see it and hear it. It reaches beyond us. In the old days, even as long ago as when some of us were kids or before that, who knows how many people went quietly and committed suicide or hid away and became reclusive or had mental health problems as a result of bullying?

The motion is good in that it talks about a prevention strategy. However, it concerns me that there are no real concrete measures in this bill. It would ask us to study it and we have studied this many times before. Many of us can tell stories that are heartbreaking. We have heard some of them in the House today, so I will not repeat them.

● (1135)

However, there was a young woman named Donna who attended eighth grade at a parochial school in Montreal. She and her mother travelled to Toronto to visit her grandmother who was dying from cancer. When she returned to school, a cyberbully circulated a rumour alleging that she had gotten SARS. Her friends did not want to hang out with her. They all walked away from her. She was left desolate and alone. She did not know what to do. They would not even talk to her on the telephone. That happened in Welland, Ontario, where she lived.

I think we all know the story of the freshman in Osaka, Japan, who, when his gym period was over, got dressed in what he believed was the privacy of the gym. Indeed, he was an overweight boy and some bully set up a camera and took a picture of him. Within seconds, by the time he had changed and walked out of the room, his picture was around the world for everyone to see. He had become a laughingstock, not only of the school but of the community.

We know that cyberbullying, or any kind of bullying, does not really end. We like to pretend this is something that only happens in schools, but in fact we know that people can be shunned in the workplace. We know that people can be shunned in their communities, where their neighbours will not speak to them. We know that many people who are gay, young and old, are terrified of people finding out, whether in their workplaces or in their communities. We see the impact of bullying. It is physical. It is mental. As in the case of this young lady, Amanda Todd, this weekend, it can be tragic.

It would be a nice idea if instead of studying it, when we have already done that, we look at the kind of comprehensive national strategy that we always look at when we deal with something that can result in serious harm. Public awareness and education are parts of what we have to look at. We also have to look at prevention and prevention programs, which could take place in the school, home and community. We have to look at the programs we could have for young, and older, people who have been bullied and how we could help to protect them and create some harm reduction. Eventually, we have to look at the consequences. Some of those consequences may or may not be in the Criminal Code and should be in the Criminal Code.

The Criminal Code currently deals with issues such as name-calling, false messaging and criminal harassment, which is what we saw happening to this young woman. Her bullying was criminal harassment.

We know that if it happens on the radio or if it happens on TV or if it happens in the newspaper, there has to be disclosure. In fact, the Criminal Code even deals with it when it happens by telephone. If telephone messages are being spread, the telephone company has to, under the law, disclose where the phone calls came from. However, we do not have a single way to find out who is doing the bullying from cyberspace. There is an anonymity in cyberbullying that allows it to flourish. No one knows who these people are. They can feel free to say whatever they wish.

The sad thing is that when this young woman put her story out, people were saying, “Go ahead and kill yourself”.

I do not know what society we live in but it is not just enough to talk about a prevention strategy. Some provinces have legislation. Some provinces have programs. We need to work together, using federal and provincial jurisdictions, and look at schools, communities and the workplace. We need to recognize this for what it is: an extremely important, dangerous and tragic habit. I do not know what else to call it.

However, I do want to thank the member for bringing the motion forward. We will be voting to support it.

I do believe that we need to take this issue seriously. If someone had beaten this girl and left her in an alley or drowned her, as we know happened in the past to Reena Virk in Victoria, then everyone would be liable. However, because she committed suicide, people do not believe anyone is liable.

I think it is time we put an end to this.

● (1140)

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Mr. Speaker, I am honoured to rise and speak in favour of Motion No. 385, put forward by my friend and colleague from Chicoutimi—Le Fjord, which I had the honour of seconding this morning. This motion is calling on all of us in the House of Commons to take concrete steps in the prevention of bullying. It is not good enough to say that bullying is someone else's responsibility or to hide behind Canada's notoriously complicated division of jurisdictions. It is not enough to say that this is best left to the local level, and it is clear that whatever we are doing at all levels in government in Canada today to combat bullying is not enough.

It is time for leadership in combating bullying. It is time for leadership right here in the House of Commons. Motion No. 385 calls for the creation of a special 12-member all-party committee to develop a national bullying prevention strategy. By reviewing studies on bullying, we can come to a better understanding of why it happens and what we can do to stop it. Unfortunately, creating an effective anti-bullying strategy is now an urgent need in our society, and for those who call for immediate action, I would like to remind them that effective action requires a strategy.

The prevalence and pervasiveness of bullying is shocking in our society. People can be bullied for any number of reasons, for being too short, too tall, too fat, too thin, for their sexual preference or even their perceived sexual preference or whether they conform to gender norms. I could go on and on with such a list. All forms of bullying are, of course, reprehensible and potentially harmful, but some forms of bullying appear to have more intense consequences. I am talking primarily about bullying based on sexism as it affects young women and girls and bullying based on homophobia, both of which all too often can end in violence, either violence perpetrated by the bullies or in the form of self-harm or suicide by the victims.

I can only speculate, but it appears to me that the deep-rooted sexism and homophobia in our society all too often reinforce and validate the attitudes and actions of bullies. The tragic suicide of Amanda Todd in Coquitlam just a few days ago is powerful testimony to the destructive power of bullying when backed by the oppressive cult of unrealistic body images for young women and the powerful pressures on adolescent women to seek personal validation in sexual activity they may not be ready for. The ongoing cyber bullying that has continued even after Amanda's death is shocking evidence of the need for urgent action.

Recently, many of us felt first-hand here in Ottawa the great sadness and immense sense of loss after the suicide of Jamie Hubley. This case is testimony to the enormous challenges of being one of the only out teenagers in a high school where homophobia often made that pressure unbearable. In the case of Jamie, it led to his suicide.

In contrast to the less well documented link between sexism and bullying, we have specific evidence of the reinforcing link between homophobia and bullying as a result of a study by Egale Canada entitled, "Every Class in Every School". This was the first national climate survey on homophobia and transphobia in Canadian schools. Egale's survey, conducted in schools across Canada, found that 70% of all students—both LGBT-identified and non-LGBT-identified students—reported hearing homophobic comments every day in school, revealing a hostile climate in our schools toward lesbian, gay, bisexual, transgendered and gender-variant students.

In this same study, 74% of trans-identified students, 55% of LGB students and only 26% of non-LGBTQ students reported being verbally harassed at school. That means the rates for transgendered students are more than three times those of all other students, and for lesbian, gay and bisexual students, it is more than double the rate for all other students. This is graphic evidence of the extent of homophobic bullying in our schools.

As I said earlier, there are many excuses for bullying, so much so that bullying is happening in our schools at astonishing levels. A separate analysis of Toronto area schools found that a student is being bullied every seven seconds. In a more in-depth study of bullying by the Centre for Youth Social Development at the UBC Faculty of Education, it was found that 64% of kids had been bullied at school,12% were bullied regularly, meaning once or more than once a week, and 72% had observed bullying at school, and of those, only 40% had actually tried to intervene to stop the bullying.

● (1145)

Even more shocking, though, is the fact that 64% considered bullying a normal part of school life and 20% to 50%, depending on the way the question was phrased, said bullying could be a good thing in that it makes people tougher and is a good way to solve problems. These are perhaps the most shocking statistics about the social acceptance of bullying and the failure of those who are around those being bullied to step in, act in their defence and declare the behaviour unacceptable.

Almost 80% of those students in the British Columbia survey pointed out that bullies are often popular and those who enjoy the highest status among their peers in school. They are leaders in schools and leaders in bullying.

As technology has advanced, so have the means of bullying. With social networking, smart phones and the Internet becoming second nature to everyone in Canada, especially young people, these resources become available for bullying, and bullying is now something that can easily happen 24 hours a day, any day of the year. Bullying is no longer a problem that only happens at school or on the playground. As the member for Vancouver Centre so aptly noted, the consequences of bullying spread worldwide very quickly.

We need to take bullying very seriously. The impacts on youth can be drastic and long lasting. Young people who are bullied are more likely to face depression. It is estimated that male victims of bullying are five times more likely, and female victims three times more likely, to be depressed than their non-bullied classmates. People who are victims of bullying are more susceptible to low self-esteem and are likely to suffer from anxiety and illness. Young people who are bullied are much more likely to engage in activities that result in self-harm, including extensive substance abuse.

On top of those personal tragedies, there are societal costs to bullying. Bullying adds to government costs in everything from health care to law enforcement. One of the shocking statistics that I ran across in thinking about bullying was that, of elementary school bullies, one in four will have a criminal record by the time they are 30 years old. Obviously engaging in bullying is an indicator of further problems to come in their lives.

We must reject the idea that bullying is just a fact of life. We must reject the idea that bullying has always been with us and always will be. These behaviours are learned. People are not born with hearts full of hate.

The solution is not to criminalize youth, as some in the House have suggested. Bullying is a vicious cycle in which most of the bullies have at some point been bullied themselves. However, we cannot excuse the bullying; we need to call it by its real name; and we cannot dismiss it as harmless child's play. We need to recognize that bullying is in fact based, too often, on sexism, racism, homophobia and trans-phobia.

The need for action is so obvious and so urgent. What the motion before us today would do is allow us to gain a desperately needed better understanding of bullying so we could then put in place a plan to prevent it from continuing. We need the bullying to stop in order to create a better Canada. We need to take action now. We have seen the hurt of the victims of bullying. We have seen the hurt of parents who have lost their children to bully-related suicides. We have heard the pleas of young Canadians who have lost their friends because it was all too much for them to bear.

The time for action is now. It is time for the House to take a strong leadership role, to take a stand against bullying by passing the motion and getting down to work on finding solutions and developing a strategy to implement them.

I commend the member for Chicoutimi—Le Fjord once again for bringing forward this motion. I hope to see support for it from all sides of the House.

Ms. Kellie Leitch (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, I would like to start by expressing my thoughts and prayers, and I think those of all members of Parliament, for the children and families who are affected by bullying. It is truly a travesty when something like this happens to individuals and their families, and our thoughts and prayers are with them.

I am grateful for the chance to speak to the motion before us today, which calls on the government to establish a special committee to examine different aspects of bullying and to develop a national bullying strategy.

As a physician, I saw evidence of bullying weekly in my clinic. It was something that was exceptionally distressing for me as a physician and for the parents and children of my clinic. It is evident that this takes place in schools across the country and is something on which we should obviously focus.

I listened with interest to the comments of the hon. member for Chicoutimi—Le Fjord. I certainly wish to acknowledge both his understanding of some of the concepts involved and his commitment to addressing this very challenging issue.

There are many aspects of the motion before us today on which we can all agree. As I mentioned before, the issue of bullying is very serious. The problem affects Canadian communities, families and children.

There is a continuing focus on the impacts that different types of bullying have on children and their families, which as my hon. colleague knows, has already been considered by two Parliamentary committees: one in this House and one in the other place.

All of us can agree that we need to identify and adopt a range of evidence-based anti-bullying best practices and promote and disseminate anti-bullying information. These are activities already being undertaken by the federal government's National Crime Prevention Centre, the RCMP and the Public Health Agency of Canada.

They are doing a fabulous job. I can talk about evidence in my own riding of what the RCMP is doing, and from my work with the Public Health Agency of Canada, I can talk of the great programs it is implementing to take action to combat bullying.

The central premise of the motion before us today is that we need to establish yet another committee to examine bullying and come up with solutions. However, earlier this year our government released a comprehensive national report on health behaviour in school-age children, called: “The Health of Canada’s Young People: a mental health focus”.

The health behaviour in school-age children report is Canada's only national school-based general health survey of children between age 11 and 15. The report aims to increase knowledge and understanding of the health and well-being of young Canadians and the social context of their health attitudes and behaviours.

The report provides accurate statistics, Canadian-based evidence on health attitudes and behaviours related to smoking, alcohol and drug use, physical activity and body image, sedentary behaviour, healthy eating habits, mental health, injury prevention, bullying, sexual health and social settings such as family at home, peers, school, community as well as socio-economic status.

In Canada, the key findings are used to engage dialogue among governments, communities, researchers and other organizations and will contribute to better informed policies, programs and practices for improved child health.

Overseas, Canada also provides the key findings to the international Health Behaviour in School-Aged Children database. Canadian data is combined with data from 35 other participating countries in Europe and North America to produce cross-national reports published by the World Health Organization.

From the studies our government has undertaken, we know that approximately 22% of Canadian children and youth reported being victims of bullying, while 12% reported bullying others and 41% reported both bullying as well as being a victim of bullying. As I mentioned before, the escalation of this issue was definitely reflected in what I was seeing in children coming to my clinic.

These rates have remained relatively stable since 2002. Although overall bullying rates are not increasing, the issue is still of serious concern for many Canadian families, given that bullying can often leave lasting psychological scars on victims and occasionally result in suicide.

● (1150)

Bullying in schools is not a new issue, but rather one that is re-emerging. It is a growing concern in many jurisdictions and a number of provinces and territories have developed strategies and programs to address this problem. Education is one area that plays a crucial role in responding to bullying since most bullying incidents occur on the school premises. As such, recognizing the role and education in the management of schools, provinces and territories have a key role to implement these measures that would address bullying.

Provincial and territorial governments have all recognized that they can and should be taking action to address bullying. This includes developing specific guidelines and principles to assist schools in implementing measures and addressing bullying. For example, Ontario and Quebec adopted bullying legislation in schools in June this year. A number of other provinces, including Alberta, New Brunswick and Nova Scotia, are in the process of reviewing anti-bullying legislation intended to amend the education acts in these jurisdictions.

By law, school boards in Ontario are now required to provide programs, interventions and other supports to students affected by or engaged in bullying based on a model bullying prevention and intervention plan developed by the ministry of education. Similarly in Quebec schools need to have an anti-bullying and anti-violence plan that includes prevention measures and concrete responses to the acts of bullying. Legislation in both provinces place a greater emphasis on promoting the prevention of bullying in school.

British Columbia also announced a bullying strategy in June, which includes 10 components. It includes a five-year multi-level training program for educators and community partners to help them proactively identify and address threats. I would like to emphasize that local level commitment. We all know that these things happen at a local level. They happen within small and larger communities. Local communities are taking action and need to be supported in that.

The strategy that British Columbia has online tools, including a smartphone application for kids to report bullying anonymously. It includes dedicated safe school coordinators in every school district and stronger codes of conduct for schools. As well, the strategy puts in place new provincial guidelines for threat assessments and new online resources for parents. That is what the Government of British Columbia is doing to address bullying.

In the Maritimes, the Government of Nova Scotia released a report on cyberbullying in March. In Newfoundland and Labrador, the student support services division of the department of education has established a safe and caring schools Initiative to promote safe and caring learning environments and to be proactive and preventive in addressing violence issues.

All of these initiatives are commendable and significant in their own right. All are focused at the local level where we need to focus. Given that bullying has been linked to delinquency, there is indeed a role for the federal government to play in terms of crime prevention through the national crime prevention strategy. The strategy currently offers a number of very promising initiatives which are all eligible for funding as part of the organization's current funding intake.

The aggression replacement training initiative, for example, is geared to preventing violence among youth aged 12 to 17 years, preventing aboriginal youth delinquency in urban centres and preventing school-based bullying. The project is designed to promote pro-social behaviour in chronically aggressive and violent adolescents, using techniques to develop social skills, emotional control and moral reasoning.

An initiative geared to the same age group is the leadership and resilience program, which is a school and community-based program for students that enhances youths' internal strengths and resiliency while preventing involvement in substance use and violence.

Then there is also the stop now and plan initiative, which is a multi-component family-focused program that provides a framework for effectively teaching children and their parents self-control and problem-solving skills.

As members can see from what I have outlined, our government has a wide range of projects through the national crime prevention strategy, which community groups and stakeholders can apply for funding in order to help address bullying.

Our government is moving forward in a number of ways to tackle the issue of bullying, while also addressing the mental health of our young people in general. The motion before us suggests that another committee for the study is required to further enhance our understanding of bullying behaviour and ultimately result in improved responses. Our government is certainly open to new ideas and approaches. Although, as my hon. colleague has stated, we look forward to seeing how this proposed committee would interact with the other two that are already under way.

● (1155)

Mr. Massimo Pacetti (Saint-Léonard—Saint-Michel, Lib.): Mr. Speaker, I am pleased to rise to discuss Motion No. 385 and the issue of bullying.

Like all members of the chamber, and it has been quite clear this morning, we are shocked and saddened by reports of bullying, particularly when the consequences of bullying result in a young person taking his or her life.

We all know bullying exists and can have devastating consequences, not only for individuals affected but on the families and communities as well.

It is clear that Parliament must take whatever steps it can to prevent bullying, assist and support those who have been affected as necessary and provide tools to law enforcement when bullying has crossed into the realm of criminal activity.

● (1200)

[*Translation*]

The objective of this motion is to create a special committee of the House to develop a national bullying prevention strategy, and it is obvious that such a strategy is necessary. I should point out that this type of strategy already exists in some provinces. For example, Quebec has a government strategy to get all Quebeckers to join the fight against bullying and violence in the schools.

A number of organizations have already conducted their own studies on the issue and have made recommendations. Why reinvent the wheel? That is what I want to know. I am not convinced that this would be the best use of our parliamentary resources.

Furthermore, I am a bit surprised that the NDP would give one year to a committee made up of members from a majority Conservative government. We could see a repeat of what has happened in other committees, where the government does not listen to the witnesses who do not agree with the Conservatives' position. In addition, although the motion says that we must “focus on prevention rather than criminalization”, this does not force the committee to do so. This government always insists on criminalizing everything, with a focus on punishment instead of prevention.

I will continue another day.

The Acting Speaker (Mr. Bruce Stanton): The member for Saint-Léonard—Saint-Michel will have seven and a half minutes when the House resumes debate on this motion.

The time provided for consideration of private members' business has now expired, and the order is dropped to the bottom of the order of precedence on the order paper.

GOVERNMENT ORDERS

[*English*]

COMBATING TERRORISM ACT

Hon. Gail Shea (for the Minister of Justice) moved that Bill S-7, An Act to amend the Criminal Code, the Canada Evidence Act and the Security of Information Act, be read the second time and referred to a committee.

Ms. Kerry-Lynne D. Findlay (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, I am pleased to participate in the second reading debate of Bill S-7, An Act to amend the Criminal Code, the Canada Evidence Act and the Security of Information Act.

This bill, among other things, seeks to re-enact the investigative hearing and recognizance with conditions provisions that were created in the Criminal Code by the Anti-terrorism Act in 2001, but that expired in March 2007 because of the operation of a sunset clause.

The proposed bill also responds to recommendations of the parliamentary review of the Anti-terrorism Act which took place between 2004 and 2007 and includes additional improvements to the Criminal Code, the Canada Evidence Act and the Security of Information Act.

Terrorism is an ongoing phenomenon that is rooted in deeply held hatred and insecurity. It is characterized by conduct which seeks not only to kill or harm, but also to commit acts for the deliberate purpose of instilling terror in the general population thereby destabilizing it.

Terrorism targets not only the individual but society generally and is an ongoing dangerous presence that every democratic society must continue to combat. Since the horrific events of 9/11, the absence of terrorist violence on Canadian territory does not preclude the possibility of a terrorist attack. Canada's solidarity with the international community of nations in the fight against terrorism has rendered Canada a potential target.

The first line of any response to terrorism must come from Parliament. It is our responsibility to lay down the rules by which terrorism is fought. We are responsible for tracing the difficult line between combatting terrorism and preserving liberties in a way that is effective and gives clear guidance to those charged with combatting terrorism on the ground.

Terrorism confronts democratic societies with a formidable challenge. On the one hand, terrorism must be prevented, fought and contained and those who commit terrorism offences must be brought to justice. On the other hand, states combatting and prosecuting terrorists must remain true to the fundamental principles upon which democracy and a free society are based.

In enacting the Anti-terrorism Act in 2001, Parliament showed due regard to the Canadian Charter of Rights and Freedoms. As a result, Canada's anti-terrorism provisions are notable for their safeguards and protecting fundamental human rights. These include the high mental fault or *mens rea* requirements that need to be proved beyond a reasonable doubt before a person can be convicted of a terrorism offence, such as knowledge or purpose. To date, these laws have led to several successful prosecutions in Canada, all the while preserving our fundamental values and the rule of law.

Bill S-7 continues in the same tradition. Bill S-7 seeks to re-enact, with some additional safeguards, the investigative hearing and recognizance with conditions provisions that expired in March 2007. These proposals incorporate some recommendations of the 2006 interim report of a House of Commons Subcommittee on the Review of the Anti-terrorism Act and the 2007 special Senate committee report on the Anti-terrorism Act, and include the Senate amendments made to former Bill C-17's predecessor, Bill S-3 in the 39th Parliament.

The investigative hearing provisions give a judge the power on application by a peace officer with the prior approval of the attorney general to require a person to appear before a judge and to answer questions about a past or future terrorism offence and to bring along anything in his or her possession. In order for the investigative hearing to take place, the peace officer must have reasonable grounds to believe that a terrorism offence has been or will be committed and reasonable grounds to believe that information concerning the offence or the whereabouts of a suspect is likely to be obtained or may be obtained, as the case may be, as a result of the order.

The objective of the hearing is to gather information from the person or to produce anything in the person's possession or control to assist in a terrorism investigation. Reasonable attempts must be made to obtain the information by other means and an individual has the right to retain and instruct counsel at any stage of the proceedings. Any information or testimony obtained during the investigative hearing or evidence derived from such information cannot be used in subsequent proceedings against the individual except in relation to a prosecution for perjury or for giving contradictory evidence.

Moreover, the Supreme Court of Canada has extended this last protection to extradition and deportation hearings. The provisions state that a person who is evading service of the order, is about to abscond or fails to attend an examination may be subject to arrest with a warrant.

● (1205)

However, subsection 83.29(4) incorporates section 707 of the Criminal Code, which sets out the maximum period of detention for an arrested witness so that there will now be clear limits as to how long a person arrested in such a case may be detained. Section 707 imposes 30-day detention periods up to a maximum of 90 days' detention for a witness who has been arrested and detained to ensure his or her appearance and giving of evidence.

The recognizance with conditions provision gives a judge the power, when certain criteria are met, to impose reasonable conditions on a person to prevent the carrying out of a terrorist activity. These criteria are that a peace officer believes on reasonable grounds that a terrorist activity will be committed and suspects on reasonable grounds that the imposition of the recognizance with conditions on a person is necessary to prevent that person or anyone else from carrying out a terrorist activity. A person who is ordered into a recognizance is required to keep the peace and to respect other reasonable conditions for up to 12 months. If the person fails or refuses to abide by the conditions, the judge can order that person to be imprisoned for up to 12 months. This penalty is comparable to the penalty for other peace bonds.

The recognizance with condition provision allows for a peace officer to arrest a person without a warrant in two circumstances: first, where the grounds to lay an information exist but there are exigent circumstances, or second, where an information has been laid and a summons has already been issued but the person has not yet appeared before the court. In both cases the peace officer must suspect on reasonable grounds that the detention of the person in custody is necessary to prevent a terrorist activity.

Once arrested, the presumption is that the person will be released once he or she appears before a judge. The person must be brought before a judge within 24 hours after arrest if a judge is available, or if a judge is not available, as soon as feasible thereafter. The onus is on the Crown to demonstrate why the person cannot be released pending the hearing, based on the specific grounds of detention set out in the provision. If the person is ordered detained by the judge, the hearing itself can be adjourned only for a further 48 hours. In his testimony before the Special Senate Committee on Anti-terrorism, Professor Kent Roach of the Faculty of Law at the University of Toronto stated that this 72-hour maximum period of detention is "restrained by comparative standards".

Professor Roach also testified that he was pleased that the government had included reporting, parliamentary review and sunset provisions in the bill. I would like to talk for a few moments about these important safeguards.

Bill S-7 requires that Parliament review these provisions prior to the date they sunset. As part of this review process, Parliament would be able to examine the degree to which these provisions had been used successfully or unsuccessfully and would be able to make a determination, based on the available evidence, as to whether or not these provisions would continue to be needed. As well, the investigative hearing and the recognizance with conditions provisions are also subject to another sunset clause, which would result in their expiry after five years unless they were renewed by parliamentary resolution.

Finally, the proposals in the bill include annual reporting requirements by the federal government and the provinces on the use of these provisions, and the annual reports of the Attorney General of Canada and the Minister of Public Safety would include an additional requirement that they provide an opinion, supported by reasons, on whether the provisions should remain in force.

The special Senate committee noted in its observations in its final report the importance of Bill S-7 to Canada's ongoing efforts to prevent and deter terrorism both at home and abroad. The re-enactment of these important provisions would be an integral part of these efforts.

The Senate committee also adopted amendments to these two provisions. The first relates to the mandatory parliamentary review of the investigative hearing and the recognizance with conditions provisions. Whereas the English version had made it clear that the review was mandatory, the French version did not. As such, an amendment was adopted by the Senate committee to fix this.

The second amendment addresses the power to vary conditions imposed in a recognizance with conditions. The bill originally allowed only the judge who imposed conditions in the original recognizance to vary its conditions. The amendment now also allows any other judge of the same court to vary the conditions. This is in keeping with the scheme for investigative hearings and in other recognizance with conditions provisions in the Criminal Code.

● (1210)

While the terrorism threat continues, it is also evolving and transforming in ways that present new challenges. Another area of increasing concern and focus for this government is the recruitment of Canadians by terrorist groups, who urge them to travel overseas to fight and engage in terrorist activity, or these people may not have any links or connections to terrorist groups or activities and may in fact be acting alone.

The government recognizes that the complex nature of the problem necessitates a shared and comprehensive response. A primary responsibility of government is to protect all Canadians by detecting and countering the work of terrorists. We do this through intelligence gathering, criminal investigation and prosecutions, and our efforts in this area are guided by respect for fundamental human rights.

During the hearings of the Special Senate Committee on Anti-terrorism, witnesses from the Royal Canadian Mounted Police, the RCMP, and the Canadian Security Intelligence Service, CSIS, confirmed that their organizations were engaging communities in various ways to continuously build positive relationships in an effort to prevent radicalization leading to violence.

RCMP Assistant Commissioner Gilles Michaud testified that in the last year and a half there had been significant changes to the threat environment. He observed that it was increasingly complex and that political conflicts in other countries such as Libya and Syria might affect the security of Canadians both here and abroad.

CSIS Director Richard Fadden testified that CSIS was aware of at least 45 Canadians, possibly as many as 60, who had travelled or attempted to travel from Canada to Somalia, Afghanistan, Pakistan and Yemen to join al-Qaeda-affiliated organizations and engage in terrorism-related activities. He indicated that those people represent a threat both to the international community and Canada.

Bill S-7 responds to this threat by proposing to create new substantive offences, those of leaving Canada or attempting to leave Canada to commit various existing terrorism offences. The bill seeks to put in place specific offences to leave Canada or to attempt to leave Canada to knowingly participate in any activity of a terrorist group for the purpose of enhancing the ability of any terrorist group to carry out or facilitate a terrorist activity; to knowingly facilitate a terrorist activity; to commit an indictable offence for the benefit of, at the direction of, or in association with a terrorist group; or to commit an indictable offence that also constitutes a terrorist activity.

The offence of leaving Canada or attempting to leave Canada to participate in any activity of a terrorist group would carry a maximum penalty of 10 years' imprisonment. The other new offences would carry maximum penalties of 14 years' imprisonment.

These new offences would allow for the persons who go abroad either to receive training in terrorism or who wish to go abroad for such or to commit crimes in furtherance of terrorism to be charged with offences specifically tailored to catch this kind of harm. Moreover, these offences would provide for an appropriate level of punishment to be given for such conduct. In my view, these proposed new offences would help to strengthen the ability of our criminal law to combat terrorism and would send a strong deterrent message.

In addition, this bill proposes amendments to the Canada Evidence Act to reflect the 2007 judgment of the Federal Court in the case of Toronto Star Newspapers Ltd. v. Canada. The amendments would allow the Federal Court to order that the applications it hears with respect to the disclosure of sensitive or potentially injurious information could be made either in public or in private. This amendment would increase the flexibility in the court process as well as enhance transparency.

Also, Bill S-7 responds to the final report of the House of Commons Subcommittee on the Review of the Anti-terrorism Act by reducing the duration of a certificate prohibiting the disclosure of information from 15 to 10 years. Pursuant to section 38.18 of the Canada Evidence Act, the Attorney General of Canada can personally issue a certificate prohibiting the disclosure of information for the purpose of protecting information obtained in confidence from, or in relation to, a foreign entity as defined in subsection 2(1) of the Security of Information Act, or for the purpose of protecting national defence or national security. After expiry, the certificate may be reissued by the Attorney General of Canada if the requirements under the Canada Evidence Act are met.

● (1215)

As well, under the Canada Evidence Act the Attorney General of Canada may issue a fiat to take over any prosecution where sensitive or potentially injurious information, as defined in the Canada Evidence Act, may be disclosed. This bill would also implement the House of Commons subcommittee's recommendation to require the Attorney General of Canada to table an annual report in Parliament on the usage of the fiat and certificate provisions. I would note that neither the certificate nor the fiat has been used to date.

Canadians expect their government to have in place the appropriate legal framework to prevent and deal effectively with terrorism and those who threaten our safety. Bill S-7 would be an important enhancement to Canada's counter-terrorism efforts and I urge speedy passage of this valuable piece of anti-terrorism legislation.

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, I listened carefully to the speech by my colleague from Delta—Richmond East.

I understand that the government is trying to stress the importance of reinstating two controversial security measures that were abolished four years ago. An independent group calculated that the fight against terrorism has already cost Canada $92 billion since 2001.

Why are these measures still necessary if we have not had any problems in the four years they have been gone? What has changed in that time?

● (1220)

[*English*]

Ms. Kerry-Lynne D. Findlay: Mr. Speaker, last fall the Prime Minister signalled the government's intention to make efforts to re-enact the investigative hearing and recognizance with conditions provisions. They ceased to exist in 2007 and our government has been trying ever since to reinstate them. The investigative hearing and recognizance with conditions powers would provide police with valuable tools for investigating or preventing terrorism activity. This is a threat that has not gone away.

It would be a mistake to equate the lack of use of these tools in the past with there being no need for them in the future. This would give law enforcement agencies access to more tools to investigate past and potential acts of terrorism. One can take comfort in the fact, based on past experience with the previous provisions, that law enforcement officials have demonstrated caution and restraint in their use.

Mr. Craig Scott (Toronto—Danforth, NDP): Mr. Speaker, is the parliamentary secretary aware of whether or not any of the witnesses during of the Senate proceedings specifically made the case for the necessity of reinvigorating these two provisions, versus invoking generally the idea that tools are helpful and that extra tools, therefore, are also helpful? Is there specific testimony explaining why these are necessary, when in fact they have never been needed before?

I understand the parliamentary secretary's answer just now, but was there testimony on the necessity of these provisions?

Ms. Kerry-Lynne D. Findlay: Mr. Speaker, there were several recommendations made by both the House of Commons and Senate committees in relation to this matter, recommendations that have been incorporated into the bill. Some of those recommendations by the House of Commons subcommittee include both provisions being extended for five years, that there be further parliamentary review before any further extension, and also that the bill clarify section 707 of the Criminal Code setting out the maximum period of detention for an arrested witness.

Moreover, the special Senate committee recommended from February 2007 that the annual reporting requirement also require the Attorney General of Canada to include a clear statement and explanation indicating whether the provisions remain warranted. That recommendation is included in the bill. An additional requirement would be that the Attorney General of Canada and the Minister of Public Safety must provide in their annual reports an opinion, supported by reasons, on whether these provisions should be extended. Other amendments made by the Senate to the former Bill S-3 have also been included.

Therefore, yes, we have taken those recommendations into account.

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, Bill S-7, like a number of other government bills, suffers from a major problem: there is no balance between the idea of security and fundamental rights.

Given the government's unending enthusiasm for making it appear that there is a crying need to amend sections of the Criminal Code, and for striking fear into people's hearts, it is fortunate that the NDP is here to stand guard and make sure we protect certain fundamental freedoms that we have here. We are not saying that we support terrorism; we do not support it in any way. I am going to talk about the official position of the NDP on Bill S-7.

By the way, I am extremely surprised to see a bill that is as far-reaching as Bill S-7 be introduced in the Senate. Ordinarily, this kind of bill comes in by the back door, from the back benches in the House, but this time it is coming from the Senate. It was examined there and then introduced here. Let us not delude ourselves: this bill is not really coming from the Senate; it is coming from the Minister of Justice, who wants to amend some provisions of the Criminal Code.

Before getting to the heart of the subject, I would like to thank some of my colleagues who have done exceptional work on this issue, including my colleague from St. John's East, who was justice critic before me, and the critic who preceded him. I would also like to thank my colleague from Toronto—Danforth, who has done an excellent analysis of the subject and has provided extremely valuable support for me on this issue.

There is clearly a major problem in this bill when it comes to balancing security and fundamental rights. Let us not delude ourselves. We have put questions to the Parliamentary Secretary to the Minister of Justice. How is it that provisions that expired four years ago have suddenly become extremely important and have to be implemented, when, to our knowledge and the knowledge of the witnesses who appeared before the Senate committee that examined Bill S-7, there have been no cases to date?

In answer to the question that my colleague from Toronto—Danforth put to the Parliamentary Secretary to the Minister of Justice, there will be endless quoting of witnesses who appeared before the Senate and support the bill. Those witnesses did not say it is needed; they said "you cannot be too careful". When we are dealing with concepts as important as international law, terrorism or civil liberties, that is not really the way to do things.

It is not that simple. To deal with terrorism and terrorist threats in Canada, you do not simply include some slightly tougher provisions in the Criminal Code or other legislation. Canada is already a signatory to a number of international conventions, such as the Convention on the Rights of the Child. The present government, however, seems to be strangely unfamiliar with the concept of child soldiers. For once, the government would do well to listen to Senator Dallaire, who saw the implications this can have up close. We have all witnessed the tragedy of Omar Khadr. The attitude taken toward a Canadian citizen, toward someone we call a child soldier, is not really a model of good government. In short, these are thorny problems we are dealing with here.

The first thing we have to seriously wonder about is why the government is going through the Senate to make fundamental changes like the ones proposed in this bill. That is one of the problems.

● (1225)

I think it is important that members understand what is going on with Bill S-7. I am therefore going to give a bit of background.

It is interesting to hear the parliamentary secretary say that this expired seven years ago but that the fact it expired does not mean it was not necessary. This is not the first time the government has tried to enact a bill of this nature.

First, there was Bill S-7, which was introduced in the Senate on February 15. Basically, that bill amends subsection 7(2) of the Criminal Code, which describes acts that relate to an aircraft, an airport or an air navigation facility, are committed when the person who commits them is in Canada, and by operation of subsection 7(2) and paragraph 83.01(1)(*a*) constitute a terrorist activity. We see how technical this can get. It would add new terrorism offences to Part II.1 of the Criminal Code, which covers section 83.01 and the sections that follow.

I encourage the members of the House to read section 83.01 of the Criminal Code and the sections that follow it, which already cover many aspects of terrorism. That part is devoted entirely to terrorism.

This bill will also, in certain circumstances, enhance the existing sentences provided for by the Criminal Code that may be imposed on any person who knowingly harbours or conceals a person who has committed a terrorism offence. It will restore to the Criminal Code the provisions relating to investigative hearings, recognizance with conditions and preventive arrest in the case of a terrorist activity. A concept like this presents a problem, because our legal system presumes innocence until proof to the contrary is provided.

The desire to institute systems that compel a person to incriminate himself is a problem for me. We cannot hand a blank cheque to a government that, to date, has not shown that it takes these matters seriously or that it values human rights. It has given the impression of being tough on crime, but has not acted logically, and we have seen no need, based on the facts, to alter sections that are as important as these.

This bill also proposes to amend sections 37 and 38 of the Canada Evidence Act, to reflect some but not all of the recommendations made by the Subcommittee on the Review of the Anti-terrorism Act of the House of Commons Standing Committee on Public Safety and National Security in its March 2007 report, in compliance with the judgment of the Federal Court of Canada in Toronto Star Newspapers Ltd. v. Canada.

It would also amend the definition of special operational information in the Security of Information Act to provide that the identity of a confidential source that is being used by the government would be considered, under that act, to be special operational information. What we have to understand is that this is an attempt to reduce to a minimum the transparency and exchange of information that ensure that everything is done in a manner that is consistent with the fundamental rights of Canadians.

It would also, in certain circumstances, increase the penalty provided for the offence of knowingly harbouring or concealing a person who has committed an offence under section 29 of the Security of Information Act.

As I said, this is not the first time the government has attempted to do this. This is the most recent in a series of anti-terrorism acts that started with Bill C-36, the anti-terrorism act introduced in 2001. That shows that this bill can be introduced in the House of Commons. Was the government too worried that common sense would prevail here in the House, and so it preferred to have the Senate clear the way for it? I have absolutely no idea, but it is disturbing to see bills as far-reaching as this one start out in the other place.

Some of the provisions of this bill were subject to a sunset clause and so they expired in February 2007. We have to understand that the Anti-terrorism Act was passed after the horrible events of September 2001. We should not be surprised that in the aftermath of an event that devastated our entire planet, when people were asking what kind of world they were living in, a decision was made to take certain measures.

● (1230)

I am not being partisan at all when I say that it is always extremely dangerous to make such fundamental decisions in law when everyone is hitting the panic button and wondering how to resolve a situation that initially seems entirely incomprehensible. That goes without saying. That may be how humans and politicians react, but it is definitely not a good way for a lawmaker to react.

In 2007, this act included certain sections that had to be reviewed because they were so-called "sunset clauses", which means that a period of time is allowed for implementation and that a re-evaluation is necessary. At least I can commend the politicians of the time who had the brilliant idea to submit that, or to resubmit it, to both houses, because it had to be submitted to both houses. This bill must be passed by both houses. Once again, incidentally, I am convinced that my colleagues opposite will tell me that it is of little importance whether it starts in the Senate or in the House of Commons; it has to be submitted to one place or the other. This time, it started in the Senate. However, this is a substantive bill, these are substantive decisions, and the views of the elected representatives of the people are more important in this matter than those of appointees and friends of the regime.

This bill has been under review since 2007. All kinds of attempts have been made to reactivate the provisions in question. To extend or reactivate those provisions that expired in 2007, both houses of Parliament must pass a resolution. Such a resolution was defeated by a vote of 159 to 124 in the House of Commons in February 2007 because the controversial provisions had never been used.

In my view, this is the second most important question in this matter. Why have provisions that have not been used suddenly become a necessity, without us even receiving the slightest answer from the government about why we need them in specific cases? Perhaps there is a lack of trust when it comes to sharing information, but they share it with no one in any case. Then they talk amongst themselves and count on us to give them carte blanche so they can do virtually anything. I think that is a major problem. That is why it was defeated by a vote of 159 to 124 in the House of Commons in 2007.

In addition, both Houses were supposed to conduct a full parliamentary review, either jointly or independently. The House of Comments and Senate reports were submitted in 2006 and 2007 respectively. The original aim of the Anti-terrorism Act was to update Canadian laws to meet international standards, particularly UN requirements, and to provide a legislative response to the events of September 11, 2001, as I said earlier. All the provisions of the Anti-terrorist Act, except for that concerning investigative hearings and recognizance with conditions, remain in effect today.

Consequently, we must not believe our colleagues opposite when they tell us that it is as though we have nothing to protect Canadians against terrorism. I repeat, there is an entire section in the Criminal Code, not to mention other acts of Parliament, that applies to terrorism. The sunset clause was added to the original bill because serious concerns had been raised during the legislative process in 2011. Those provisions were the most controversial. A great deal of wisdom was expressed in this House regarding concerns raised about the need to adopt such amendments to the Criminal Code.

● (1235)

I carefully read the evidence of the various witnesses who appeared before the Senate. I repeat that no witness said, based on any facts, that it was necessary to adopt the provisions in question. Some witnesses clearly told the Senate committee that there were major problems with regard to the protection of children's rights.

What will we do about minors living in these kinds of situations? Who will have precedence? Will it be the youth courts, which usually have exclusive jurisdiction over children under the age of 18? Will those provisions take precedence? There is a great deal of concern here. What rights are there? What do we do about the right not to incriminate oneself? What need is there for us to impose this kind of direction on a system in which we have no evidence of this kind of need? That is my major concern in this matter.

I already know what comments we will hear in and outside the House: that the official opposition is in favour of terrorists, against Canadians and against protection and public safety. That is false.

The Criminal Code, which I wholly support, already contains a section that protects Canadians. The message I am sending to Canadians listening to us is this: you must not believe that there is no protection. We have a system that protects Canadians. We can definitely give our specialized anti-terror police forces authority to gather evidence in order to establish a case. However, that does not mean we must set aside concepts as fundamental as the presumption of innocence, the right not to incriminate oneself, the right to be told quickly what we are accused of and the right to defend ourselves against those charges. We are not living in a military or police state in Canada. We have a system in which the rule of law prevails and in which the presumption of innocence is central to our values. That is important.

Coming back to my basic message, there is no balance in this bill between security and the fundamental rights of Canadians. As such, we cannot support this bill since it is unnecessary and full of holes, it introduces concepts foreign to our Canadian values, and it risks causing many more problems than it solves.

● (1240)

[*English*]

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I thank my hon. colleague for her presentation relating to Bill S-9, the nuclear terrorism act.

On September 26, we tabled before this House a Canada-China nuclear safety agreement, which will not come before this House for debate but which is related to this issue of nuclear safety.

I am very concerned that the agreement is not sufficient for Canada to meet the terms of the nuclear non-proliferation treaty in the sale of Canadian uranium to Chinese facilities. Under the nuclear non-proliferation treaty, we must be able to verify at all times that Canadian uranium will not go to nuclear weapons. A one-page promise from China, to me, does not meet the terms of the nuclear non-proliferation treaty.

I wonder if my colleagues from the official opposition share those concerns.

[*Translation*]

Ms. Françoise Boivin: Mr. Speaker, we do indeed share these kinds of concerns. However, I would like to suggest that my colleague wait until I give my speech on Bill S-9 this afternoon. I do not want to give her a scoop because it is against my principles.

Right now, we are talking about Bill S-7, and Bill S-9 will be debated this afternoon. We do in fact have concerns about it, and we will see how all that plays out in Bill S-9.

[*English*]

Mr. Craig Scott (Toronto—Danforth, NDP): Mr. Speaker, my colleague mentioned, on several occasions in her speech, that children's' rights are something that we really need to take into account. The parliamentary secretary also invoked Professor Kent Roach of the University of Toronto as being supportive. That was the impression left.

What does the member think about the following exchange where Senator Dallaire asked Professor Roach about juvenile protection for those under age 18. He expressed his worries on that point. Professor Roach replied:

> Senator Dallaire, that is an important and troubling question. ...[T]he Youth Criminal Justice Act will take precedence, [so that] is accurate as far as it goes. However, if adult sentences are sought, then I think there is danger of disproportionate forms of sentence.

He went on to say:

> Internationally, we lag behind many other countries because our official policy is that once a terrorist, always a terrorist. That is why convicted terrorists are all together in [one unit] at Ste-Anne-des-Plaines Institution, and that is why the security certificates have lasted as long as they have.
>
> I think the issue of a youthful person raises an issue that we should be discussing more generally, which is rehabilitation.

He went on to elaborate. I wonder what the member thinks about those comments, which are actually comments expressing his concerns about parts of the bill.

[*Translation*]

Ms. Françoise Boivin: Mr. Speaker, I do in fact see it that way. I was struck by various testimony given in the Senate. That testimony will certainly be heard again by the House committee responsible for discussing the issue, whether it be the Standing Committee on Justice and Human Rights or the Standing Committee on Public Safety and National Security.

Kent Roach, the Prichard-Wilson Chair of Law and Public Policy at the University of Toronto Faculty of Law, gave evidence to the committee as an individual in support of the bill. This is another example that will be used by the government to say that all these great scholars, all these great legal minds, all these great defenders of public rights agree with the Conservatives. We are not opposed to motherhood and apple pie, but at the same time some parts of the bill pose huge problems. For instance, the idea of punishing young people instead of rehabilitating them is of enormous concern to Professor Roach.

If the government is serious, then it must ensure that the bill is amended or improved and that the questions that the subject matter experts have about it are cleared up and that these concerns are resolved, so we can say that we are no longer behind the times, because he said that we lag behind many other countries because our official policy is that once a terrorist, always a terrorist.

All the same, I am not naive. I practised law for 25 years. You see all kinds of people. Nevertheless, I am still optimistic that there are good measures that can punish and rehabilitate the same time and take people's unique differences into account. We should not treat a young person or child as we do a 50-year-old terrorist with a 30-year career as a terrorist behind him who works in the terrorism market. They are not the same thing. There are children who have been indoctrinated by their parents, and the parents are authority figures to their children. It is hard for a child to say no to his father or his mother. All of these cases must be studied in depth.

● (1245)

[*English*]

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, the member for Gatineau is always very eloquent. She has outlined all of the measures that already exist that deal with issues that Canadians might be concerned about.

I also listened intently to her comments about what the House of Commons rejected five years ago and the fact that these measures have not been used for the last four years. Could the member comment on the timing of this? We have a government now that has shown huge financial incompetence on a wide variety of issues like the F-35s. We have seen government scandal, after government scandal, a big reaction from the public to all of the mean-spirited cuts that have caused problems in food safety and the Coast Guard as the member for Vancouver Kingsway points out. We are seeing a time where the government has made a mess of the governmental structures and yet, instead of bringing forward legislation that addresses all the concerns that ordinary families have, the Conservatives are trying to revive something that they have not used for four years.

Could the member for Gatineau comment on the timing of this and why the government is trying to put up a smokescreen rather than dealing with the fundamental issues Canadians are concerned about?

[*Translation*]

Ms. Françoise Boivin: Mr. Speaker, my colleague from Burnaby—New Westminster asked an excellent question. As he said himself, it is a smokescreen. Personally, I think the legislation is a government smokescreen.

In other words, if you do not have any ideas, if you do not know what to do and if you do not know how to manage public finances, you try to scare people. You suggest that in Canada there are terrorists on every street corner, or just about. You just scare people.

As I have said before, since 2001, $92 billion has been spent on anti-terrorism measures. That is quite a lot of money. I do not even dare tell the House what could have been done with $92 billion in terms of addressing the inequalities in Canada, without jeopardizing the safety of Canadians. These provisions were not even used. It all costs money.

Thanks to this bill, we will probably have a chance to give in-depth consideration to all the billions of dollars that are being spent. We do not know where all this money is going, because there is no transparency on the government side. We do not know where the money has gone, what it has been used for, what measures required such astronomical amounts, what they prevented or even how they helped make the streets and Canada as a whole even safer than before. I have absolutely no idea where it has all gone.

This is indeed a smokescreen. If you do not know what to do and if you do not know how to manage taxpayers' money, you just scare people. You spend a lot of money and you make people think that you are doing something for them.

● (1250)

[*English*]

Mr. Peter Julian: Mr. Speaker, I appreciate the response from the member for Gatineau. What we have here is a government that is, because of the debacles we are seeing in a wide variety of areas, the cutbacks in a whole variety of services, food safety, the Coast Guard, all of those things that protect Canadians and Canadian families, essentially trying to turn the channel.

Does she think it is appropriate that the government uses legislation from the Senate in order to do that?

Ms. Françoise Boivin: Mr. Speaker, no, it is not appropriate. My whole speech is on this. If it is that serious and that important, we do not start it in the Senate. We start it in the House with the representatives of the people of Canada.

[*Translation*]

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Mr. Speaker, I am pleased to rise in this House today to speak about terrorism. As everyone is aware, it is an extremely important issue. Terrorism is a very complex and also quite a modern scourge that has afflicted the world for the past 50 years.

Before September 11, 2001, North Americans regarded terrorism primarily as someone else's problem. During the 1970s and 1980s, we watched what happened from time to time in Europe, the Middle East or Asia, on other continents primarily, and we thought we were immune to terrorism. Even when the horrible terrorist act happened in Oklahoma City, in the United States, for us it felt a little bit surreal and random. We told ourselves it was the act of a half-wit, a lunatic, an extremist who was not in touch with the real world; we told ourselves it was a one-time act. We did not expect this sort of thing ever to happen again.

Here in Canada, we thought it was perhaps also because in the United States, there were people with extremist opinions, and we thought that Canada was in many ways a more moderate country, a country that had no history of violence or political extremism.

The events of September 11 totally changed our perspective, which was rather simplistic and perhaps a little naïve. On September 11, the people of North America suffered a massive and profound crisis of conscience. Suddenly, we became aware in a way that deeply transformed us both individually and as a society. For the first time, we understood what it was to be the target of international terrorists and to experience a terrorist act, in broad daylight, in our own backyard.

We understood how the threat of terrorism is real for us as well, and no less real than it is for those living in countries where, so often in the past, we have seen terrorist acts, unfortunately. As I mentioned at the beginning of my speech, it was often something that affected Europe or the Middle East more than North America. We learned that it is not solely someone else's problem and that we must also protect ourselves, by tightening and strengthening our legislation and our public safety infrastructure to defend against terrorism.

I would like to take this opportunity to point out that the Conservative government does not have a monopoly on concern for public safety, despite the image that it has so carefully cultivated over the past few years. In other words, the Conservatives are not any more concerned about the safety of Canadians than are the other parties in this House. They are not more fiercely opposed to terrorism than are the other parties in this House. This needs to be said.

Let us take the example of the bill passed by this House in 2001, before I was elected and before many of the other members here were elected. I am talking of course about Canada's Anti-terrorism Act, which was passed by a Liberal government. Bill S-7, which we are debating in this House today, can be seen as an amendment to Canada's Anti-terrorism Act.

● (1255)

The Chrétien government's Anti-terrorism Act added new provisions to the Criminal Code, in particular part II.1 and sections 83.01 to 83.33, which specifically covered terrorism offences and made the following activities crimes: collecting property for a terrorism offence or participating in terrorist activities; facilitating terrorist activities; and instructing to carry out terrorist activities.

This means that the bulk of the work of updating the Canadian criminal justice system to reflect the new terrorist threats was done in 2001 by a Liberal government. It is worth pointing this out. As I said, when we listen to this government, we often get the impression that those on the other side of the House are the only ones who worry about the safety of Canadians, and no other government before them has done anything to try to protect the Canadian public better against terrorist acts.

The 2001 act introduced two specific provisions that my colleagues in the other parties referred to earlier, and it is worth reiterating them. The first provision allowed for investigative hearings: it allowed a person suspected of having information about a terrorism offence that has been or will be committed to be compelled to appear before a judge and answer questions where the answers would make it possible to intercept a terrorist act or find the person or persons guilty of committing a terrorist act.

The second provision of the 2001 Anti-terrorism Act gave authorities the power to require a recognizance with conditions, allowing a peace officer who believes that a terrorist act will be committed and who believes that the imposition of a recognizance with conditions will prevent that act, to bring the person before a judge within 24 hours so that a show cause hearing can be held to determine whether the person should be released or should be detained longer in certain circumstances.

Of course those new provisions were controversial. Naturally, they generated debate and prompted questions relating to the principles in the Canadian Constitution, and more specifically in the Canadian Charter of Rights and Freedoms. It is to be expected, in a democratic society, that questions will be raised when measures of that nature, relatively harsh as they in fact were, are introduced.

In response to the concerns expressed both by the Canadian public and by legal experts, who were very knowledgeable about the Constitution and concerned that it be adhered to, the Liberal government of the day came up with two quite creative responses. It included what is called a sunset clause in the Anti-terrorism Act, which provided that the two provisions I have just described would cease to be in force five years after the act was enacted, along with a clause requiring that the law be reviewed by Parliament three years after it received royal assent.

The sunset clause idea is well worth considering. The two contexts are different, but this clause does bear some similarity to the notwithstanding provision in the Canadian Constitution. In other words, this is not something that can be used indefinitely; its existence must be justified periodically. This is quite a creative response to a thorny and difficult situation in terms of protecting the rights of Canadians under the Canadian Charter of Rights and Freedoms.

● (1300)

That is why the Liberal government included this sunset clause—so that these two provisions would come to an end after five years. As we know, the Conservative government tried to extend them, unsuccessfully, in 2007 and it lost a vote on this matter, as other members have pointed out.

At the time, the opposition voted against extending those two provisions, because the government had not taken into account the recommendations made by the House of Commons subcommittee that had thoroughly scrutinized those provisions.

I would like to quote the House of Commons legislative summary regarding the situation at the time of the vote:

> For example, the subcommittee had also recommended that the revised investigative hearing provision limit its scope to deal only with imminent terrorism offences, and that section 83.28(2) be amended to make it clear that a peace officer must have reasonable grounds to believe that a terrorism offence will be committed before making an ex parte application and to make it explicitly clear that anything done under sections 83.28 and 83.29 is a "proceeding" under the code.

We also wanted to ensure that these provisions would apply only to anticipated terrorist activity. The Conservative government failed to take those two recommendations into account in 2007 when it wanted to extend those two provisions of the Anti-terrorism Act. This brings us to Bill S-7, which reintroduces the two provisions that disappeared after five years, as set out by the legislation in 2001.

From what I understand, once again, this government still has not taken into account the recommendations made by the House subcommittee that had expressed some reservations. I just read one a moment ago. So we are no further ahead in that regard.

I think this government needs to be a little more open to what Parliament recommends. We will have an opportunity to discuss this in committee.

It is important to point out that these two provisions, which are rather controversial—I am talking about investigative hearings and recognizance with conditions—already exist in Canadian law. Yes, they are controversial, but these principles can already be found in Canadian legislation.

For example, laws concerning public inquiries, competition, income tax and mutual legal assistance in criminal law matters provide for procedures similar to investigative hearings. They are investigative procedures that do not seek to determine criminal liability. Furthermore, criminal law provides for peace bonds similar to recognizance with conditions, which are imposed to prevent anticipated violent offences, sexual offences and criminal organization offences. The principle of investigative hearings already exists, to some extent, in Canadian law.

● (1305)

I must also point out that, in my opinion, these two measures, investigative hearings and recognizance with conditions, respect the charter. For example, in 2004, the Supreme Court of Canada ruled that investigative hearings were constitutional and stated that they must generally take place in public. There must be as much transparency as possible in the circumstances.

The court handed down this ruling in connection with an application for an investigative hearing order for the Air India investigation. The person who was the subject of the order challenged it under the charter, citing the right to remain silent and protection against self-incrimination. The B.C. Supreme Court held that the legislative provision was valid and that the witness's rights could be protected through conditions in the order.

The Supreme Court of Canada granted leave to appeal based on section 40 of the Supreme Court Act and in Re: Application under s. 83.28 of the Criminal Code, concluded that the investigative hearing was constitutional.

Mr. Speaker, how much time do I have left?

The Acting Speaker (Mr. Bruce Stanton): There are three minutes left.

Mr. Francis Scarpaleggia: Mr. Speaker, the court ruled that section 83.28 of the Criminal Code did not violate section 7 of the charter—that is, the right to life, liberty, and security of the person—nor did it infringe the right against self-incrimination; that subsection 83.28(10) provided that evidence obtained during an investigative hearing, and evidence derived from such evidence, could not be used in criminal proceedings against the person who provided the evidence; and that paragraph 11(*d*) of the charter did not apply, because the subject of the investigative hearing order was not an accused. Moreover, the Supreme Court extended these protections to future extradition or deportation hearings, where warranted.

However, this does not mean that the bill is perfect. Certain specific elements could be added that would provide greater respect for the rights set out in the Canadian Charter of Rights and Freedoms. I am thinking of the idea of introducing a special advocate for ex parte hearings, which are conducted in the absence of the accused, as in the case of hearings for security certificates.

Special advocates are lawyers who are independent of government and, in the case of security certificates, are appointed by the court to protect the interests of persons named in security certificates during hearings from which those persons and their own lawyers are excluded. This is an idea that should perhaps be discussed in committee. A provision could perhaps be added to introduce this kind of special advocate for public hearings.

Secondly—and I do not think I will have the time to raise any other points—some members rose in this House to say that these provisions were not used, which means that we are not in danger and that there are no terrorist threats in Canada. In fact, we do not know one way or the other, because parliamentarians do not have access to this protected and privileged information to which the government has access. In my view, this is why we should strike a parliamentary committee, whose members would be sworn in, to hear the evidence in order to appreciate the information that is available to the RCMP and CSIS intelligence services.

At this point in time, we do not have access to this information. It is therefore difficult for us to judge the extent to which a threat exists and continues to exists, and so on. That is what I would propose.

● (1310)

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, as it is mostly members of the official opposition who have spoken to the bill, I think it is important to make a correction: no one in the House said that the fact that this provision has not been used is proof that there was no terrorism. It is very important to add that the existing provisions seem to have been enough.

I would like to ask the representative of the party that often wraps itself in the charter if we are to understand that the members of his party are voting in favour of Bill S-7 or whether, on the contrary, the fact that the committee's recommendations were not taken into account, including in the two cases he mentioned, indicates that they are not voting in favour of this bill.

Mr. Francis Scarpaleggia: Mr. Speaker, I want to apologize to the hon. member because that is not what I was trying to say.

We do not know whether the provisions are necessary because we do not have access to the data to which the government has access. It is therefore hard for us, as members of the opposition and even as members of the government, to fully understand the threat level that might exist for Canada and to therefore draw any valid conclusions. Still, we can draw some conclusions. We can debate the issue, but it is hard to know for certain whether these provisions are necessary.

We will refer the bill to committee. What is more, the issues I raised and that my colleague just mentioned in her question will be raised in committee. We will have the opportunity to see to what extent it is possible to take into account the House subcommittee's recommendations and include them in the bill through amendments in committee.

[*English*]

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, it was a previous Liberal government that brought in the provisions in the wake of 9/11 and sunset them. We have had those provisions for extreme and unusual measures to deal with terrorism, which contravened our normal practice of criminal law. We have plenty of existing criminal law, as my colleague mentioned, to deal with these issues.

Why then would we bring back measures that we have not had for a number of years and that did not cause any trouble by their absence but could now become part of the fabric of Canadian law-making and creep into other areas of criminal investigation? I think it is dangerous. I would appreciate my colleague's comments on that.

● (1315)

Mr. Francis Scarpaleggia: Mr. Speaker, those measures have already been in the fabric of Canadian law and they will become part of that fabric again but only on a temporary basis because they will sunset.

This is obviously a complex issue. It is important to keep in mind that these measures do seem to be charter-proof based on what I understand of court decisions. We have to take that into account. We often get up in the House and say we cannot vote for this or that because it is against the charter, and that is all very well and good. That is the way it should be. However, when something is charter-proof, it becomes difficult to argue that we are tearing the fabric of Canadian society in an irreparable way.

I understand that these are serious questions and they have to be studied in committee.

[*Translation*]

Ms. Françoise Boivin: Mr. Speaker, I am extremely concerned about the last thing my Liberal colleague said in response to the question asked by the member from the Green Party of Canada. This type of response is worrisome because it suggests that the provisions that need to be reviewed are actually charter-proof. This is no small claim because the provisions must still be justifiable in a fair and democratic society. These provisions were never used, so it does not seem as though not having had them at all would have been a problem. However, we are talking about doing away with rights, such as the presumption of innocence and people's right to be quickly made aware of the charges against them.

It seems that the hon. member is making quite the claim. I would like him to retract that claim or explain himself better so that we are not left with the impression that representatives of a supposedly pro-Charter party are cheerfully setting it aside.

Mr. Francis Scarpaleggia: Mr. Speaker, I quoted a decision of the Supreme Court of British Columbia, and it is important to note that the purpose of the investigative hearing is not to determine guilt. Strictly speaking, it is not a matter of presumption of guilt, because the person who could be guilty is not being targeted. I think this is a nuance that must be understood.

I know that my colleague, who is an experienced lawyer, is aware that distinctions must be made. It seems the court also made the same distinction.

[*English*]

Mr. Craig Scott (Toronto—Danforth, NDP): Mr. Speaker, I was particularly intrigued by my hon. colleague's suggestion that the House of Commons may need a committee of sworn MPs to hear intelligence matters so that we could be better informed about the state of threats to the country. Such a committee does not exist, apart from an external committee for overseeing CSIS, the Security Intelligence Review Committee.

Could you elaborate on how you see this connecting with the issues in the bill. Are you suggesting that without such a committee we will never have enough information to be able to determine whether these provisions are needed? I would like to hear a bit more.

The Acting Speaker (Mr. Bruce Stanton): I just remind hon. members to direct their questions and comments through the Chair.

The hon. member for Lac-Saint-Louis.

Mr. Francis Scarpaleggia: Mr. Speaker, there can never be too much information to inform point of view. I believe that firmly. There is always new information that comes forward and it is our duty as parliamentarians, and indeed as citizens, to access the greatest amount of information possible. Sometimes when we access that information, we change our minds. That is certainly how a democracy should work.

There was a bill before the House in 2005, Bill C-81, An Act to establish the National Security Committee of Parliamentarians. The intent of the bill was to create this kind of committee. SIRC, the Security Intelligence Review Committee, is not made up of parliamentarians so it is not directly connected to us here in the House, to the elected representatives of the people. It would benefit all parties if some of our representatives, under oath of course, could have access to a clearer picture of what is really going on.

Are we overreacting? Are we under-reacting? It is very hard for us to know. We read the papers. I have been sitting on the public safety committee now for over a year and I have not had an in-camera briefing on security matters.

● (1320)

Mr. Craig Scott (Toronto—Danforth, NDP): Mr. Speaker, my remarks today will be on a series of clauses in Bill S-7, clauses 4 through 8, which would add a number of sections dealing with the question of leaving or attempting to leave the country for purposes related to terrorism.

These proposed provisions that will make it a crime to leave or attempt to leave Canada to join a terrorist group or participate in a terrorist activity respond to very real concerns. Assuming the accuracy of testimony before the Senate, there are worries about a non-trivial number, even if a proportionately small number, of citizens or permanent residents contemplating leaving Canada for this reason or having already done so. There is reason to believe that male youth under age 18 or young men over age 18 in some diasporic communities are targeted, especially for recruitment to join in terrorist activities abroad. There is very much reason to be concerned.

All that noted, we are led, as we must always be when youth are highly likely to be the main subject of criminal law measures, to wonder if criminalization will be as productive a measure as its proponents hope. Let us assume that we all believe in preventive measures of a social, educational, mentoring sort alongside addressing root causes of alienation that lead to the kind of radicalization we are concerned about in this context. The question then becomes what the value would be of criminal charges against youth arrested at airports or other borders seeking to leave Canada.

At least for those under age 18, it is true that the Youth Criminal Justice Act will apply and that the act allows for holistic education-centred sentences, for example. That is a good thing, although everyone needs to be reminded of two caveats: one, that youth still receive criminal records; and two, that the Crown can always seek to apply for adult sentences. However, once one reaches that magic number of 18, we are left with the full-blown application of the criminal law. At minimum, we need to know that the approach of government is more multifaceted than reliance on these new Criminal Code provisions alone.

In this respect, there is one thing proponents have in common with those of us who are concerned about promoting non-criminal measures to divert people, especially youth, from radicalization of the sort that embraces violence, and that is prevention. If prevention could be achieved in ways short of the cumbersome and often clumsy invocation of the criminal law, I suspect that some productive consensus could be arrived at. The problem, however, is that it is very hard to design coercive measures to prevent a person's departure shy of using the criminal law while still remaining faithful to principles related to liberty and the rule of law that we cherish.

It might be thought that one way to use the criminal law in a way that falls short of full-scale criminalization would be for these new provisions to be used as the basis for detention by the Canada Border Services Agency and then arrest and charge by the RCMP, but then have the Crown decide not to prosecute. Keep in mind that when I say the Crown, I mean the Attorney General because these new provisions are among those in the Criminal Code that require the Attorney General's consent to prosecute.

When one reads the Senate committee records for Bill S-7, one gets the impression that there may be in part some who may mean, by the new provisions, this kind of idea in terms of the preventive purpose. If these new provisions allowed the state to prevent people, for example, youth, from joining terrorist enterprises while not resulting in criminal convictions and sentences, would this not be a defensible result? The answer seems clear. Criminal law will not be able to function within acceptable limits if it becomes a tool for disruption, whereby arrest is the end goal, but not prosecution. The more a system can be used with no real intention of prosecuting, the more it will over time be used in exactly that way.

● (1325)

For the Criminal Code to maintain its integrity, its implication must only ever be on the basis of good faith that each stage of decision-making is relevant, good faith that there is adequate evidence to sustain a prosecution. All this leads to the question of whether we actually do have a prosecution system in Canada that is willing and able to prosecute, considering that much of the evidence for the new offences will be produced from intelligence that CSIS and perhaps other agencies may well not be prepared to allow to go to court for fear of revealing sources and methods.

We know from the Air India inquiry how such considerations can inhibit effective prosecution. We have no reason to believe that the prosecution capacity has changed since the 2010 Air India report. Therefore, we may end up with a system that theoretically allows for proof of intention to leave the country for these purposes. We can all imagine the kinds of proof, ranging from emails, parents or community members, provision of information, information from foreign intelligence and so on. Therefore, a system that theoretically allows for proof of intention is possible but in practice may lead to charges being dropped because intelligence agencies will not want evidence made public. If so, we may inadvertently end up with the criminal law being used, in the way I talked about earlier, as a means to disrupt behaviour with limited prospect for use for its prescribed purpose of criminal prosecution. Therefore, in committee this may be an issue worth probing. Will the sort of evidence available actually usable before the courts?

Let us now look at another challenge, which is the interface of acquiring evidence of intent to leave the country for this purpose and logistics. This is the issue of how all of this will work at the point of exit from Canada.

At the moment, we all know there are no exit controls at all the borders, notably at airports, other than no-fly lists for those deemed to be a threat to aviation. Testimony before the Senate made it clear that co-operation protocols or memorandums of understanding would be needed among CSIS, the RCMP and the CBSA.

Mr. Fadden, the director of CSIS, went further and noted that would have to extend likely to CATSA, the agency of the Department of Transport that regulates security. How these protocols will be developed and what kind of accountability there will be for their operation remains a concern especially because the RCMP, a key link in the inter-agency collaboration that will be needed here, has been shown by both the Arar and the Air India inquiries to be an agency that suffers from lack of accountability and inappropriate oversight mechanisms. Yet, with the government's Bill C-42, we see that it has no intention of acting on the Arar commission's carefully thought through recommendations for RCMP accountability and oversight.

However, there are two comments by Director Fadden that most definitely will need to be followed up in the House of Commons committee after second reading.

I will turn to the first one. He said:

> —I emphasize that we have not developed the protocols yet. What we will need to do is work closely with the Mounties and make sure [that] we are communicating at all times with border services.

> The other complicating factor...is that Canada has no system for controlling exits. We do not even have a system to be aware when people are leaving. This will involve more than the CBSA; it may well involve CATSA, the agency of the Department of Transport that regulates security.

> I should not say much more because I will get myself into a situation I will not be able to get myself out of.

● (1330)

We will need to better understand what is being considered, what is being referred to here by the director of CSIS. Is some form of cross the border surveillance system to clock everyone's exits being contemplated? That seems to be hinted at within the statement, especially the sentence, “We do not even have a system to be aware when people are leaving”. The suggestion is that such a system of awareness is some sort of requirement, a *sine qua non* for the protocols to be implemented to give effect to these new Criminal Code provisions.

One way to be aware of someone exiting the country is to already have identified them as having the intention that this criminal provision talks about and then to track them to the airport. However, that kind of specificity may not be what Mr. Fadden is actually alluding to.

To return to the question I have already asked once, are we looking at a more general surveillance system that CATSA, for example, would operate? We need clear answers on this in committee.

It might also be that a revision of the no-fly list is part of what is being contemplated as a general surveillance mechanism.

At another point in his testimony before the Senate, Mr. Fadden discussed why no-fly lists would not currently provide the mechanism: (a) for being aware of when someone is seeking to leave; and (b) for preventing that person from boarding the aircraft. Here is his observation:

> The current structure of the no-fly list program is such that you have to be a threat to aviation....My understanding is that officials are preparing a series of proposals for ministers to try to make this list a little more subtle, but I do not know where they are on it.

Is it possible that the government is considering a mechanism to put people on a no-fly list based on evidence, at whatever standard of proof, that the person intends to leave Canada in a way that would violate one of these new leaving the country provisions? If so, we need to know much more about how this would work in relation to enforcement of these new provisions in the code, how people would be put on this list and how they could get off.

Would this be an alternative to arrest and possible prosecution under the criminal law provisions? If so, is this possibly preferable to direct intervention of the RCMP to arrest, followed by possible prosecution? I think in particular of how this would avoid criminalization of youth where the primary concern with respect to the kind of radicalization that leads them to want to leave Canada to get involved with terrorism.

At the same time, however, what we know about how no-fly lists currently operate in a zone of non-accountability leaves me deeply doubtful that this approach would provide a preferable preventive mechanism.

Just for example, the experience of Maher Arar and other Canadians like Mr. Almalki, Mr. Elmaati and Mr. Nureddin create real worries about what could happen to a Canadian who ends up on a no-fly list for reasons related to CSIS or RCMP speculation about intentions to engage in terrorism.

The Canadian government's purpose might be to stop the person from leaving Canada. Perhaps the purpose is to get youth to think twice before trying to leave Canada by another means. However, foreign intelligence agencies that might get access to our no-fly list might act very differently on that very same information if the person in question ever did leave Canada and then showed up on the radar screen of some country when seeking to use that country's airport.

The reason this is of such concern is that the connection between a person and terrorism within this new leaving the country criminal law provision can be very attenuated. Intentionally attempting to leave becomes itself a terrorism offence and the evidentiary basis for being put on a no-fly list as opposed to being brought forward for prosecution may be far below the standard of beyond a reasonable doubt within our criminal law system. Yet on such a possible thin basis, someone's name could enter into the interconnected global system of surveillance that could lead to preventive arrest or worse in other countries on that basis alone.

● (1335)

I emphasize that those are concerns prompted by an admittedly very brief reference from Mr. Fadden, but in the context it is potentially a very telling reference. We must be aware how collaboration and information-sharing works between intelligence agencies between countries. This is something I have had the chance to study in some depth several years ago when preparing a report for the settlement process in Mr. Arar's lawsuit against Canada.

Unless we have confidence in how people would get on this new, more subtle, to use Mr. Fadden's language, no-fly list and confidence in whether, how and with whom the names on that list and the reasons for being on that list are shared, there is much to be worried about with respect to Mr. Fadden's revelation about a more subtle no-fly list.

In any event, I think the point is clear that, based upon the testimony of the director of CSIS before the Senate, this needs to have detailed testimony and scrutiny in committee after second reading in this House.

I will now turn to a few comments, one, in particular, made by Minister of Justice when he was testifying before the Senate. He talked about how investigative hearings could produce the evidence to discern the intent of a person to leave the country for purposes of terrorism. However, we know that investigative hearing provisions, which are being proposed to be restored in the Criminal Code by this bill, state that testimony cannot be used as evidence in court against the person giving that testimony.

This leaves us with one of two possibilities with respect to what the minister was referring to.

The first is that he is actually thinking about using this mechanism as a mode of detention and arrest but not necessarily going to prosecution. We return, therefore, to the problem of use of the criminal law system to allow for disruption with no real prospect for prosecution.

More likely, however, the minister could not have meant that. He must have meant that investigative hearings will be used to question people about other people's intentions and, thereby, use that as evidence for the attempt to leave provisions of the Criminal Code. If so, this would have profound implications with respect to how often and to which people these investigative hearings would be used as evidence-gathering tools. We need to discuss this in committee.

The minister also suggests evidence of intention to leave the country could come out of the hearings that deal with preventive recognizance with conditions. Presumably, again he means someone else is brought to such a hearing about some impending terrorist act and information is then revealed about another person and that evidence is then used to prove that person intends to leave the country for purposes of terrorism.

We need to ask the minister and his officials what he meant by reference to those two sunsetted provisions, if they come back into law, as being mechanisms to gather evidence of intention to leave the country.

That raises another question. Would the proposed new clause 83.3, resurrected from the 2001 Anti-terrorism Act, allow for recognizance with conditions if someone can be shown to be on the point of leaving? Because this would be a terrorist act, when people attempt to leave, they are now engaging in a terrorist act according to the new provisions. They can then be required to stay and their passport taken away for up to 12 months. Is this scenario possible? Is this in fact a planned sequence? Does the government have this in mind?

Keeping in mind how the United Kingdom actually uses control orders to prevent departures from the country, the question has to be asked whether or not this is something the government contemplates. This is a question to pursue, again in committee.

I will conclude with the overall comment that there is much to look at in committee if we are to fully appreciate and make judgments about the utility of these new attempting to leave or leaving the country Criminal Code provisions.

● (1340)

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, although my colleague from Toronto—Danforth claims to be a rookie, he gave an excellent speech. Judging from the content of his speech, he is far from being a rookie.

A number of witnesses appeared before the Senate committee, including Kathy Vandergrift, chairperson of the board of directors for the Canadian Coalition for the Rights of Children. She indicated the need to amend the bill to include mechanisms for people under the age of 18, given the Convention on the Rights of the Child and other international agreements signed by Canada.

She said that she was concerned about the impact of detaining young people accused of going abroad to participate in terrorist activities. She said:

> The Paris Principles emphasize using detention only as a last resort, not as the primary response to evidence of unlawful recruitment activities. Recent research in Australia documents the negative impacts of even short times in detention for the healthy development of young people.

I would like the hon. member to expand on this and to tell us whether or not he agrees with this point of view.

[*English*]

Mr. Craig Scott: Mr. Speaker, that is an excellent question and it includes a number of premises that I would endorse about the problem that appears to be part of the new bill.

The whole question of using detention as the absolute last resort with respect to youth is a principle certainly within the Convention of the Rights of the Child and within other principles of international law that have been developed to give a bit more content to children's rights. Last resort detention is a bottom line requirement.

To give the government its due, there is some reference in the bill to preventive detention, itself being a last recourse.

We need to ensure that these two things line up and the easiest way to do that would be to have specific and clear amendments that address the concern that my hon. colleague has just raised.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I thank my hon. friend from Toronto—Danforth for raising some very specific and ongoing implications of the legislation.

It also occurred to me that the process of intending to leave the country could become a terrorist act. In conjunction with that, if we look at clause 83.23, we then have by association others drawn in, "A person who knowingly harbours or conceals any person who they know to be a person who has carried out a terrorist act or facilitates it".

By extension, if planning to leave the country to go overseas for what is alleged to be a terrorist activity, such as camp training, would this sweep bring in others who, in normal context, would be seen to be doing an innocent activity?

Mr. Craig Scott: Mr. Speaker, that, in fact, was discussed a little in the Senate hearings.

The general principles of the Criminal Code that connect one offence to other acts, such as complicity, various forms of aiding and abetting, they all apply. The question of a broader circle of people being drawn into the criminality that these new provisions would enact is very real.

The official government witnesses before the Senate committee tiptoed around this. They acknowledged that it was a real issue but there was a sense that we did not really want to criminalize other's assistance.

Now, of course, all the intention standards would have to be there. If one innocently helps a person leave the country by helping out with the person's passport but does not know why the person is leaving, then there is no connection. However, the moment one knows why, one would absolutely be drawn into the orbit.

One of the witnesses, I believe it was Mr. Fadden but it might have been another witness, commented along the lines that we should not be naive about how many people actually do assist others to leave for this purpose.

The idea of a wider circle beyond the person leaving does appear to be in contemplation.

● (1345)

Mr. Mathieu Ravignat (Pontiac, NDP): Mr. Speaker, I thank my hon. colleague for his great contribution to this debate.

I would like to focus on the principle of the presumption of innocence, which is a foundational principle of our legal system. Does the member share some of my concerns about how this may question this fundamental principle?

Mr. Craig Scott: Mr. Speaker, confining myself to the leaving or attempting to leave the country provisions is not so much a question of presumption of innocence but the problem of proving intention in these circumstances to something that will be quite far removed in time. The underlying concerns for the principle of the presumption of innocence within our procedural criminal law system do circle back on concerns about what kind of evidence would be adequate to actually effect the detention at the border, then an arrest and then a prosecution. Would there be some kind of slippage toward less and less onerous standards of proof that might in the end not lead to prosecution but would certainly lead to detention and arrest? That would be my concern.

[*Translation*]

Ms. Francine Raynault (Joliette, NDP): Mr. Speaker, I would like to thank my colleague for his speech. In his view, does the Criminal Code currently contain the necessary provisions to investigate individuals who engage in criminal activities and to detain anyone who might pose an immediate threat to Canadians?

[*English*]

Mr. Craig Scott: Mr. Speaker, I feel like I am in my law classes where a student asks me a question about something to which I do not know the detailed answer.

What I do know is that the Criminal Code does contain provisions that allow for a measure of preventive actions. The sections that deal with what we call peace bonds in English, do allow for preventive actions. We also have all kinds of measures that allow for arrests on the understanding of the arresting officer or agency that a criminal offence is about to happen.

We have to keep in mind that, for example, in the case of the Toronto 18, the kinds of arrests that were effected there were preventive in the sense that, apart from what was going on at the planning stages and the forays in the forest, the actual acts that we understand they were thinking about doing had not occurred. The system seemed to have allowed that to be detected. That has to do with the basic police and intelligence work that does allow for arrest when someone has started down the preparatory path of committing a crime. It is not just a matter of prevention where nothing has been done. People can be arrested and charged when they start down the path even if they have not been completed the path.

[*Translation*]

Ms. Christine Moore (Abitibi—Témiscamingue, NDP): Mr. Speaker, this bill provides for increased penalties for those who harbour persons carrying on terrorist activities in this country, but are the factors that have led those people to support terrorists taken into account? Is the fact that certain persons are threatened and somewhat compelled to do so considered? For example, a family may be threatened in order to compel it to harbour such individuals or to remain silent. Does this bill draw a distinction based on the reasons that lead individuals to support terrorists?

[*English*]

Mr. Craig Scott: Mr. Speaker, we would turn to the general criminal law and for various defences that would be available, including the defence of duress. That would enable people to say that they had no choice but to do what they did in harbouring. However, it is a pretty onerous standard and so it is not easily available if someone feels constrained versus actually threatened. If they are threatened, then they would have a defence.

● (1350)

[*Translation*]

Ms. Christine Moore (Abitibi—Témiscamingue, NDP): Mr. Speaker, I am pleased to talk about Bill S-7, An Act to amend the Criminal Code, the Canada Evidence Act and the Security of Information Act.

This bill is one of a series of anti-terrorism acts that started in 2001 following the September 11 attacks in the United States.

Bill S-7, the Combating Terrorism Act, aims to reintroduce anti-terrorism measures into our legal system. Those measures have been controversial since they were introduced in 2001.

In my opinion, those measures were introduced in 2001 because everyone was panicking. Everyone considers September 11, 2001, to be a turning point. We are all aware that everyone panicked and that we did not really know how to react to the attacks.

If I asked, every member of the House would be able to tell me where they were and what they were doing when the attacks took place.

For my part, on September 11, 2001, I was 17 years old and starting my college-level nursing studies; I was in my psychology class, and the professor entered the room to announce that there had been attacks in the United States and that a plane had flown into the twin towers.

One of my colleagues, somewhat in a panic, said, "My mother is in New York right now." Everyone panicked. We all remember that day; we can all say what we were doing when we heard the news.

When all this happened, I was in my first year as a student in Sherbrooke, which is closer to the U.S. border further south, and my father, quite a sensible, brave man—I am really proud of him—called me to say that if I could return to Abitibi if I wanted. He understood that I might feel safer further north. A man like my father, whom I fully respect and who is really brave, was concerned and even in a bit of a panic knowing that I was far away. Everyone panicked.

Nobody knew what was going on, and laws were passed quickly because something had to be done. Elected representatives panicked, and so did the people. Something had to be done immediately. The main anti-terrorism acts passed after September 11, 2001, stem from that.

The text of the bill before us would amend the Criminal Code. It adds to and amends the list of terrorist activities, increases the penalties provided, particularly for harbouring a person who has committed a terrorism-related offence, and amends the Canada Evidence Act and the Security of Information Act.

It is true that terrorism in many forms is a threat to our society, and we must address it. However, it is always a good idea, when discussing crime bills, to consider what constitutes the hard line and what is the intelligent and effective line because the two may be synonymous at times and not at others. Consequently, we must take the time to consider exactly what we want, and I believe we must always aim for the intelligent and effective line.

These days, the opponents of a democratic regime are less and less likely the conventional forces they previously were; they are much more frequently rebel groups or terrorists, who obey no rules or international conventions, no treaties or rules for parties at war.

However, if our opponents do not abide by those rules, is it not appropriate for us to ask ourselves whether we are prepared to abandon those rules in order to guarantee public safety? Sometimes we have to take the time to think and ask ourselves whether we are not selling our soul to the devil by accepting things that go too far for the sake of public safety.

● (1355)

So we must be very cautious when we talk about these things. For example, should we endanger the human rights and individual freedoms that are truly dear to our country, to our democracy, and for which people have fought, for which Canadian forces have fought several wars? Should we set aside the progress we have made? The answer is no.

Why? The Combating Terrorism Act raises this question: are we discharging our public safety obligations? Anti-terrorism measures have previously been taken, and all those provisions remain in effect today, with the exception of those respecting investigative hearings and recognizance with conditions. A sunset clause, which expired in 2007, was put in place with respect to those provisions because they were viewed as a short-term solution to an emergency and because concerns had been expressed at the time. So it is somewhat as I was saying earlier: following the events of September 11, 2001, panic set in. We took measures, without knowing whether they should be maintained, in response, as it were, to the climate of panic that had set in.

Before they were eliminated, these measures were never useful. Before 2007 they were never necessary. They were used only one time, and it was not a success. But now the government wants to reinstate these same measures, which were never used in a situation that was considered to be an emergency situation at the time.

In more recent cases, it was not necessary to use these specific measures. The existing provisions in the Criminal Code were more than sufficient. We are in the process of bringing these individuals to justice, under the provisions and conditions that already exist in our Criminal Code. In 2007, when these measures came to an end, the House rejected the resolution to extend these provisions.

Our desire to be seen as doing something about law and order is making us lose sight of the notion of justice. Our system must not become focused on law and order instead of justice.

If we look at the application of our laws, we can see that the current provisions are already sufficient. Furthermore, the committees responsible for examining this issue heard the testimony of a number of stakeholders who said that existing Canadian laws were enough. For example, during the 2011 study by the Standing Committee on Public Safety and National Security on the old Bill C-17—which was the earlier version of Bill S-7—Denis Barrette, the spokesperson for the International Civil Liberties Monitoring Group; Ihsaan Gardee, the executive director of the Canadian Council on American-Islamic Relations; Ziyaad Mia, the chair of the Advocacy and Research Committee of the Canadian Muslim Lawyers Association; and James Kafieh, the legal counsel for the Canadian Islamic Congress, spoke out against this bill. They said it was unnecessary and violated a number of civil liberties and human rights.

Mr. Speaker, I will share more of what these people said when we continue our study of Bill S-7 and you give me 10 more minutes.

The Acting Speaker (Mr. Bruce Stanton): The member for Abitibi—Témiscamingue will have 11 minutes to conclude her speech and another 10 minutes for questions and comments when the House resumes debate on this motion.

STATEMENTS BY MEMBERS

● (1400)

[*English*]

WORLD FOOD DAY

Mr. Mark Warawa (Langley, CPC): Mr. Speaker, tomorrow is World Food Day.

I am honoured to be able to tell the House about a wonderful event that is taking place in my constituency of beautiful Langley, British Columbia. Tomorrow at the Langley Events Centre, in the largest Canadian event of its kind, more than 1,600 people will come together, many of them local secondary school students, to bring attention to the needs of world food security.

World Food Day is a United Nations sanctioned day.

This incredible group of students and residents will be joining the Food for Famine Society to encourage all of us to do our part to end world hunger and poverty. This event will be livestreamed online at worldfooddaycanada.ca.

Please join me in encouraging this dedicated group of people for making a difference to end world hunger and poverty.

[*Translation*]

PASSPORT APPLICATIONS

Mr. Réjean Genest (Shefford, NDP): Mr. Speaker, why do only 25 out of 81 Service Canada centres in Quebec verify and pass along passport applications?

In Shefford, since I was elected, my staff has verified and forwarded no fewer than 2,767 passport applications. Considering that roughly 40 hours a week are devoted to this work and considering the cost of sending the applications, our MPs' budget no longer allows us to provide this service to our constituents.

Do not forget that my riding is close to the U.S. border. This service is essential to the people in my riding. I asked Service Canada about this a year ago and I got the same answer that I got last Thursday: the matter is still under review. What is the government waiting for to make a decision?

* * *

[*English*]

LOCAL LEADERS

Mr. Jim Hillyer (Lethbridge, CPC): Mr. Speaker, on Friday I presented the Queen Elizabeth II Diamond Jubilee Medal to 30 of southern Alberta's finest citizens. They are shining examples of the community spirit that thrives in southern Alberta.

All great movements have their great leaders, but the great movement can only come to pass and take root with the help of countless other local leaders working together to serve a great people.

India had Gandhi, and it needed Gandhi, but Gandhi also needed India, half a billion people willing to live as Gandhi lived.

The civil rights movement had Martin Luther King Jr., but it also had Rosa Parks and countless other individuals quietly and constantly practising what he preached.

Today Canada leads the world and we do so because of great local volunteers and leaders serving the world's greatest people, quietly working together not for praise and glory but out of a commitment to make the world a better place for their friends and neighbours.

It is through people like them that God keeps our land glorious and free.

* * *

CO-OP WEEK

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, this week is Co-op Week in Canada, a moment to highlight the 9,000-plus co-ops that make life more pleasant for millions of us.

Co-op enterprises have a long and proud history in Canada, from the Mouvement Desjardins and its more than five million members, to Vancity, to the United Farmers of Alberta; from the Fogo Island co-op to the new Ottawa Renewable Energy Cooperative and to the world-renowned Mountain Equipment Co-op, let us celebrate the values that drive this underestimated sector of our economy.

[*Translation*]

Last week, Quebec City was host to the International Summit of Cooperatives, the showcase event of the International Year of Co-operatives. Some 3,000 participants from around the world came to recognize the amazing power of co-operatives and to shape their future.

I am wearing this scarf as a tribute to the hundreds of volunteers who helped make the summit a success.

[*English*]

Finally, let me express a wish that the Government of Canada will use this co-op week to make amends and announce much awaited and deserved initiatives to support the Canadian co-operative movement.

* * *

GUINNESS WORLD RECORD

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Speaker, congratulations to the students from St. Anthony's Catholic School in Chalk River and Our Lady of Sorrows Catholic School in Petawawa and the thousands of other students at 135 schools and other locations across Canada who participated in attempting to set the Guinness world record for the largest practical science lesson at multiple locations. The record-breaking event took place on Friday October 12 at exactly the same time across Canada.

The activity marked the official launch of National Science and Technology Week 2012, which this year runs from October 12 to October 21. It was a way to help celebrate the occasion by encouraging as many Canadians as possible to have fun with science.

The students from Chalk River and Petawawa benefited from living close to the Chalk River Laboratories, with help from Atomic Energy of Canada Limited scientists who volunteered their time to assist with the lessons.

Congratulations to all the students and their teachers who participated in the world's largest practical science lesson.

* * *

● (1405)

[*Translation*]

DRINKING WATER

Mr. Jonathan Genest-Jourdain (Manicouagan, NDP): Mr. Speaker, I would like to take this opportunity to commend the resilience and patience of the people of Murray Park in Pointe-Lebel, near Baie-Comeau. This community is facing one of the worst cases of contaminated drinking water to be seen in recent years in Quebec.

Testing of the drinking water in this mobile home park found not only the E. coli bacteria, but also cancer-causing chemical components, including haloacetic acids, at levels that were 16 times higher than the Canadian standard.

In recent months, some remedial action was taken to allow the 51 families living in the park to continue their daily hygiene routine: communal showers were installed because of a water advisory issued for both cooking and personal hygiene.

When I met with some residents of Murray Park, I saw first-hand the distress they are feeling and the need for immediate action. The next day, my team set about checking records to identify the various stakeholders involved and the recourse available to residents under the circumstances. Furthermore, my office is awaiting a response from the Minister of Health, who was alerted of the situation in a letter dated September 14, 2012.

I would like to reiterate my support for the residents of Murray Park, who must now face the harsh north shore climate without basic amenities.

* * *

[*English*]

CHIEF OF PEEL REGIONAL POLICE

Mr. Wladyslaw Lizon (Mississauga East—Cooksville, CPC): Mr. Speaker, last Friday, together with many of my fellow Peel MPs, I had the honour of attending the swearing-in ceremony of the new chief for the Peel Regional Police, Jennifer Evans. Chief Evans has served in many capacities with the Peel Regional Police since she joined in 1983, including as a front-line officer and criminal investigator. She has worked tirelessly to bring justice in a number of cases and has also served with the Ontario coroner's office and the provincial ViCLAS centre.

Chief Evans is the sixth chief of Peel Police and the first woman to hold the office. It is a great step forward for the outstanding police service of my region. Under her expert guidance and leadership, I am sure that the Peel Regional Police service will continue to move from strength to strength. Chief Evans has my fullest congratulations. I am sure that all of my hon. colleagues from the Peel region and across the country join me in wishing her the best.

* * *

CO-OP WEEK

Mr. Blake Richards (Wild Rose, CPC): Mr. Speaker, as chair of the recent House of Commons Special Committee on Co-operatives, it is my pleasure to stand and recognize this week as international Co-operatives Week. Co-op Week provides this House with the opportunity to celebrate the role that Canadian co-operatives and credit unions play in building this country and to recognize their continuing contributions at home and abroad. The sheer number and size of Canadian co-operatives make their impact on the economy indisputable. Co-ops have proven remarkably resilient and are a key contributor to Canada's economic recovery.

Co-operatives can be found in each and every one of our ridings, from small villages to big cities, and in every region of Canada. They exist in virtually every sector of the economy, from retail and financial services to agriculture, housing and health care, to name just a few. I encourage all of my colleagues to get to know the co-operatives in their ridings and I wish all Canadians a happy international Co-operatives Week.

[*Translation*]

HOUSING

Ms. Marie-Claude Morin (Saint-Hyacinthe—Bagot, NDP): Mr. Speaker, the International Monetary Fund warned Canada that the country's household debt has reached a critical level. Households are facing higher house prices and record debt levels, where residential mortgages represent 68% of household debt, and rent is higher than ever.

The Minister of Finance himself said that the global economy is fragile and that global economic turbulence has had and will continue to have a negative impact on Canada.

The government and the IMF recognize the potential problems, so when will the Conservatives act to prevent this potential crisis? We are offering them the solution on a silver platter. It is time to implement a national housing strategy. We are the only G8 country that does not have one. With a long-term strategy, we could coordinate our efforts to avoid a crisis and prevent debt from getting out of control.

The time has come for the Conservative government to listen to Canadians and support Bill C-400.

* * *

● (1410)

[*English*]

BULLYING

Ms. Kerry-Lynne D. Findlay (Delta—Richmond East, CPC): Mr. Speaker, I rise today to discuss a very serious topic that affects the most vulnerable Canadians, our children.

Bullying is not a right of passage; it should not be considered a part of growing up. It is a serious issue and it can reach the level of criminal activity. My thoughts and prayers go out to all children and families affected by bullying, especially the family and friends of Amanda Todd from Port Coquitlam, B.C., who recently passed away. Few tragedies are more severe than the loss of an innocent child, especially from such a preventable cause.

Canadians young and old need to work together to increase awareness and provide support to end bullying in our schools, our playgrounds and online and social media. As Ottawa city councillor Allan Hubley said, “There is a time for action now”. I encourage all Canadians to consider what action they can take to model compassion and empathy and to stop bullying once and for all.

THE WINDSOR EXPRESS

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, on November 2 the Windsor Express tips off its inaugural season in the National Basketball League. In its second season, the NBL is the next chapter in Canada's connection to one of the world's most popular sports, the game of basketball, invented by Dr. James Naismith and another gift from Canada to the world.

The NBL's focus on core principles, including Canadian content, the passion for play, ethical excellence and a focus on the fans, will facilitate the continued evolution of the game.

Under the leadership of President Dartis Willis Sr., the Express is applying these principles in my community by featuring two Windsor athletes, Gregg Surmacz and Issac Kuon, on their opening day roster, and is further nurturing that community connection by supporting educational initiatives, community events and small business.

In choosing the name the Windsor Express, the franchise tells Windsor's story by acknowledging our community as an underground railroad destination and paying homage to the railmen of Windsor, connecting heritage and history through sport.

It gives me great pleasure to welcome the Windsor Express to my community. I am confident that the organization will be a tremendous ambassador for our city. All aboard the Windsor Express.

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PAKISTAN

Mr. Deepak Obhrai (Calgary East, CPC): Mr. Speaker, the world was horrified to learn of the brutal attack against Malala Yousafzai, a 14-year-old Pakistani girl hunted down and shot at close range for speaking out for girls' rights and against the Taliban.

Although Malala remains in critical condition, we are pleased by the reports today that she is getting the intensive and comprehensive medical treatment she requires. Our thoughts and prayers are with her and others injured in this abhorrent attack.

Canada welcomes the Prime Minister of Pakistan's quick condemnation of this attack and the recent reports that the Taliban gunmen who shot Malala have been identified. We urge the Pakistani authorities to take the necessary steps to hold accountable those responsible for this reprehensible and cowardly attack.

* * *

BULLYING

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, I rise today in the House to mourn with the parents of Amanda Todd and all Canadians the tragic suicide of Amanda.

While the media have reacted with shock and dismay, this incident is but one of what has become a serious, chronic problem. Bullying has always had severe mental and physical effects on the bullied and research shows that bullies have often been victims of abuse themselves.

The time has passed when society can shrug off bullying as a childhood rite of passage. The Internet has changed that. Cyberbullying follows someone worldwide, through life and even after death. It is relentless, sinister and pervasive. There is no escape and no respite.

The suicides of Amanda Todd and others who have found death to be their only haven will have been meaningless unless the House summons the political will not only to develop an immediate national strategy to educate about and prevent bullying, but also to find and punish the perpetrators.

* * *

LEADER OF THE NEW DEMOCRATIC PARTY OF CANADA

Mr. Bryan Hayes (Sault Ste. Marie, CPC): Mr. Speaker, many Canadians wrestle with a significant decision around this time of year: when to turn on their heat for the winter.

Should the NDP leader get his way and implement his carbon tax, that decision will be a lot harder. The NDP leader's carbon tax would significantly increase the cost of heating our homes.

On this side of the House we understand that Canadians are already doing everything they can to conserve energy and keep their energy bills down. We fundamentally disagree with the NDP leader and his members opposite, who would punish Canadians with a chilling carbon tax.

We will continue to stand with Canadians against the NDP leader's carbon tax, which would increase the cost of gas, groceries and electricity.

* * *

● (1415)

STATEMENTS BY MEMBERS

Ms. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, after spending weeks ignoring the evidence and claiming their changes to employment insurance would help everyone, finally the Conservatives have backtracked. They had to admit that their plans would hurt the very poorest Canadians looking for work.

In my London riding, just this year more than 700 jobs were lost at Electro-Motive Diesel, and Air Canada Jazz cut 200 maintenance jobs at London's international airport, but not a single Conservative backbencher spoke up.

Since the House came back this fall, Conservatives have used 39 members' statements to attack the NDP, 39 fabricated statements.

Some hon. members: Oh, oh!

The Speaker: Order. Members can hold off their applause until the member for London—Fanshawe has finished her S. O. 31.

Ms. Irene Mathyssen: How many times, Mr. Speaker, have the Conservatives used the word "local" in their statements since the House came back? Just 10 times. We have a governing party that does far more members' statements about the opposition than about its own constituents.

Will the next Conservative MP tell us what is going on in his or her riding, or just repeat another sleazy attack from the PMO?

* * *

LEADER OF THE NEW DEMOCRATIC PARTY OF CANADA

Ms. Candice Bergen (Portage—Lisgar, CPC): Mr. Speaker, it has been months and the Leader of the Opposition has not explained to Canadians what he meant when he said, of course, "The cap-and-trade system that I propose...will produce billions...". He also has not explained how he estimated that $21 billion in revenue would result from putting a price on carbon.

Why is the leader of the NDP hiding from his sneaky scheme to put a tax on carbon? Why is he not being clear with Canadians? Canadians deserve to know if the NDP wants to raise the price of everything, including groceries, electricity and gas. This job-killing carbon tax would be bad for Canadians, bad for the economy, bad for the country.

Our government will continue with our low-tax plan to create jobs, economic growth and prosperity for all Canadians. Canadians can count on us.

ORAL QUESTIONS

[*Translation*]

FOOD SAFETY

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, there are now 15 confirmed cases of E. coli poisoning from beef from XL Foods. The crisis began 42 days ago, but chaos still reigns. One day, the workers are sent home and inspections cease, and the next day, the workers are called back to the plant. It is chaos.

The Minister of Agriculture has clearly lost control. Why has he not stepped down?

[*English*]

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, regardless of what happens in the plant, CFIA officials are on the ground there, doing their work, doing their due diligence to make sure that any food produced out of there will be safe.

We will continue to do that. These are science-based decisions, not political choices.

[*Translation*]

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, I cannot believe my ears!

On September 13, Canada stopped exporting beef from XL Foods to the United States. The minister had determined that the beef from XL Foods was not safe enough to be consumed by the Americans. The same Minister of Agriculture allowed the same tainted beef to be sold freely in Canada for another two weeks. That is what he is responsible for: for jeopardizing the lives of Canadians when he knew that this meat was tainted.

How can the Minister of Agriculture still hold his position in light of such negligence?

[*English*]

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, my job as minister is to ensure that the Canadian Food Inspection Agency has the capacity and the regulatory powers that it needs to move forward when situations like this occur.

We are going to have, later this week, as I understand, coming from the other place, Bill S-11, the safe food for Canadians act. I certainly hope the NDP will support that and move that through in an expeditious way.

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, it has been 42 days since this crisis began. There are 15 confirmed cases of E. coli poisoning and still no accountability.

This crisis is putting the hammer to farmers and ranchers across Canada. Thousands of workers have been laid off, inspections halted and the minister refers to all of this as a "private sector business decision".

What the minister still does not get, four years after his last crisis, is that his job was and is to regulate that business in the public interest. When will the Minister of Agriculture take responsibility and resign?

● (1420)

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, as I just said, my job as minister is to make sure that CFIA has the regulatory power and the capacity to do its job.

These are professional individuals who are in that plant doing their due diligence to make sure that any food that should come out of that plant at some time in the future will be safe for Canadians.

Mr. Malcolm Allen (Welland, NDP): Mr. Speaker, the Conservatives cut millions from food safety agencies. They throw away $32 million on government advertising and propaganda. That is their priority.

The minister said there was never a shortage of inspectors. Canadians now know that claims of an additional 700 meat inspectors is just another tall tale made up by the Conservative government, another failure for it to take responsibility.

If there were always enough inspectors, why did the minister add more inspectors to the XL line this weekend? Why will he not admit that there were not enough inspectors in that plant?

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, even the XL food workers union in that plant claim that there were enough inspectors doing their job, doing their due diligence.

What we want to do is to keep incrementally building the capacity of the CFIA to move forward in this regard. Every time we come forward with budgetary responses, more money, more inspectors, the NDP votes against it. That is shameful.

Mr. Malcolm Allen (Welland, NDP): Mr. Speaker, what is in the budget is more money for advertising to simply talk about Canada's action plan and not enough for meat inspectors in this country. That is the reality of voting against the budget.

Over 1,000 Canadians are now laid off. Cattle producers across western Canada are hurting. XL management is blaming CFIA for delays. This is the largest meat recall in Canadian history.

What will it take for this minister to actually tell us: what about these layoffs? Why is the company blaming CFIA? The minister blames a "private sector business decision" for the problems.

How can the minister be so cavalier about food safety and about an industry that employs so many people?

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, I guess the best answer for that is from Gil McGowan, president of the Alberta Federation of Labour, who said:

> I certainly hope the CFIA will only certify the plant once it is confident the company has completed all of the changes needed to assure public safety.

That is exactly what we are doing.

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, the E. coli crisis is a direct result of the government's mismanagement of food inspection in Canada. As a result, we have 15 Canadians who are sick, cattle ranchers who cannot sell their cattle, job losses and serious damage to the Canadian brand. This is a failure at the very highest level.

Will the Prime Minister ensure that the CFIA has the necessary resources to ensure that Canadians' food is safe to eat, and to reassure them of that?

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, that is exactly what we are doing, budget after budget. We table estimates. We table the supplementary estimates. We are constantly rebuilding the capacity of the CFIA after the Liberals pulled hundreds of millions of dollars and hundreds of inspectors out during their decade adrift.

[*Translation*]

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, we now know of 15 Canadians in four provinces who have become sick because of E. coli tainted meat. In all this time, during what is the largest beef recall in the history of Canada, the Minister of Health has kept mum.

Will the Minister of Health stand up and realize that public health is her responsibility and that she has a duty to communicate with Canadians?

[*English*]

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, this is a government that takes food safety very seriously. We continue to build the capacity of both the CFIA and the Public Health Agency of Canada. Of course, it takes voters on all sides of the House to make those types of initiatives move forward.

Bill S-11 is coming across from the Senate this week, we understand. I am hopeful that the Liberals here will pass that expeditiously.

* * *

PUBLIC SAFETY

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, Canada has one of the highest rates of bullying in the industrialized world. Evidence shows that victims of bullying face serious long-term physical and psychological harm or death. I am talking about bullying here. Amanda Todd's suicide last week is tragic proof. This is a public health issue and we must act now.

Will the Prime Minister commit to a strategy of public education, prevention, harm reduction, and identification and punishment of perpetrators?

● (1425)

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, we are doing that. Certainly, our thoughts and prayers go out to the families who have been victimized by this kind of activity. This is condemned by everyone.

I am looking forward to the reports of both parliamentary committees that are having a look at this. We want to have a look at that.

I know Health Canada is promoting awareness in this particular area. The RCMP has set up the website deal.org. There is cybertip.ca. All of these are initiatives to tackle this terrible problem. We all have a stake in it. We all want to fix it.

[*Translation*]

FOOD SAFETY

Ms. Ruth Ellen Brosseau (Berthier—Maskinongé, NDP): Mr. Speaker, the Minister of Agriculture is ignoring his responsibilities. He is choosing to protect his reputation instead of protecting Canadians. He is hiding behind the Canadian Food Inspection Agency. He uses a technicality as an excuse every time he is asked about the details of this tainted meat issue.

The Americans stepped in on September 13 to protect their citizens. Can the minister tell us how many Canadians have become sick since September 13?

[*English*]

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, that is a well-known number. Fifteen people have taken ill. They have all recovered, gone home and gone about their lives. That is the good side.

From the work side, this government takes food safety very seriously. We continue to build the capacity of the CFIA and the Public Health Agency of Canada to respond to these types of situations as they occur. We continually add to their budgetary capacity and the NDP constantly votes against that.

[*Translation*]

Ms. Ruth Ellen Brosseau (Berthier—Maskinongé, NDP): Mr. Speaker, the fact that people became sick is not serious? It is not a problem? I do not understand.

They make cuts to food inspection, but they spend millions of dollars on their own advertising. That is their priority. Canadians do not want a minister who is much more interested in saving his own skin than in accepting his responsibility. Since the beginning of the crisis, he has been bragging about having hired tons of inspectors, but he has failed to provide details on the nature of the work carried out by those inspectors or on where they are conducting their activities.

Will the minister release the list of these inspectors?

[*English*]

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, it is well known that we have increased the inspection capacity at the plant in question by some 20% in the last few years. We continue to do that on an as-needed basis across this great country.

The CFIA is very professional. It takes its job very seriously. We keep giving it the capacity, budgetary and manpower-wise, to get that important job done.

* * *

[*Translation*]

EMPLOYMENT INSURANCE

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, the Minister of Agriculture is not the only one improvising. The Minister of Human Resources is no slouch in that department either.

Not so long ago, the Conservatives declared that the new working while on claim provisions were not in any way detrimental to Canadians. The Conservatives finally admitted that there is a problem the Friday evening before Thanksgiving. However, instead of solving the problem, they decided to apply a band-aid to a deep wound.

When will they come up with a real solution instead of a two-tiered system?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, our priorities are economic growth, job creation and long-term prosperity for Canadians. That is why we made changes to encourage the unemployed to work two, three, or four days a week while receiving employment insurance benefits. We made changes in order to help people who received benefits and worked last year transition to the new program.

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, the reality is that the method will only apply to those who received benefits between August 2011 and August 2012. All others will be taken hostage by the new program. Experts and workers are confused. In addition to choosing the program that suits them right now, workers must choose a program for the next two years.

If the minister is really listening to the people, why is she making the program more complex rather than solving the real problems?

[*English*]

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, our goal, our priority, is job creation, economic growth and long-term prosperity for Canadians. We want to make sure that those who are drawing employment insurance benefits are not discouraged from working two, three, four days a week while they are on claim. To do that we want to make sure they are better off.

We did make some minor changes to the new pilot program to help those who were in that situation last year, while they were working on claim, transition to the new program where they will be encouraged and rewarded for working extra days while on claim.

● (1430)

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, all fall the parliamentary secretary for human resources claimed that all workers would benefit from the working while on claim program. Then, just before Thanksgiving, the minister threw her under the bus, agreed with the NDP and finally conceded that there were problems with her program. Unfortunately, her fix only allows a few to opt for the old rules. Most will still see their income clawed back 50% right from the very first dollar.

Why is the minister creating a two-tiered system? Why will she not just fix the mess that she created?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, what we are doing is helping those who are on employment insurance find new jobs and get back to work. We are helping them by providing more job alerts, more information about jobs in their skill range and in their geographic areas, but also making sure that if they work two, three, four days a week that they are better off than if they do not.

Under the old plan if someone worked one day, yes, they got to keep their earnings, but beyond that everything was clawed back dollar for dollar. We need their talents and skills at work. The new program will help them do that. We are helping people who were on the program before to transition.

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, clearly the Conservatives still have not learned from their mistakes. They are still creating talking points instead of jobs. The fact is that the Conservatives have only solved half the problem. Even those Canadians who did get a reprieve are left hanging until January. Their bills are due now. They cannot tell their landlords to wait until January.

All unemployed Canadians deserve fairness from the government, so I will ask the minister one more time: Will she now properly fix the mess that she has created?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, we believe that it is important to help people who are unemployed get back to work. We know that having a part-time job often speeds up that process because having a part-time job often turns into a full-time job.

We want to encourage and support Canadians who are looking for work. That is why we are going to make sure that if they work two, three, four days a week while on claim they will be better off than not. In fact, if they work those days they will be better off than under the old program.

That is something tangible in support of our unemployed workers. Too bad the NDP will not support them.

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INTERNATIONAL TRADE

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, it is incredible. Conservatives spend millions on advertising while cutting back on EI.

However, let us turn from misplaced priorities to Conservative dishonesty. For months the trade minister has denied he is looking at signing a deal with Europe that would increase the price of medicine. He called it a myth. Now we learn that the minister has been studying exactly that and found that extending drug patents could cost Canadians as much as $2 billion a year.

Will the minister now admit that this deal could raise the price of prescription drugs for Canadian seniors?

Mr. Gerald Keddy (Parliamentary Secretary to the Minister of International Trade, for the Atlantic Canada Opportunities Agency and for the Atlantic Gateway, CPC): Mr. Speaker, our government has always sought to strike a balance between promoting innovation and job creation and ensuring that Canadians continue to have access to the affordable drugs that they need.

For the hon. member opposite, we continue to consult with the provinces and the territories in an very open set of negotiations. These—

Some hon. members: Oh, oh!

Mr. Gerald Keddy: Mr. Speaker, I am getting a lot of help here. These negotiations continue to be the most open, progressive negotiations—

The Speaker: Order, please. The hon. member for Vancouver Kingsway.

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, the official opposition will help the government bring affordable medicine to Canadians.

Why will the minister not come clean about what he is putting on the table? Life-saving prescription drugs are a necessity, not a luxury. Of course we must support the research and development of new drugs, but not at the expense of Canadian seniors, employers and provinces.

Will the minister refuse any deal that drives up the price of prescription drugs for Canadians? How about some honesty this time. Canadians deserve an answer.

Mr. Gerald Keddy (Parliamentary Secretary to the Minister of International Trade, for the Atlantic Canada Opportunities Agency and for the Atlantic Gateway, CPC): Mr. Speaker, let me once again assure the House that an agreement will be signed only if it is in the best interests of Canadians.

Does the NDP want to talk about—

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. parliamentary secretary has the floor.

● (1435)

Mr. Gerald Keddy: Thank you, Mr. Speaker. While I have the floor, if the NDP wants to talk about what is going to drive costs up for Canadians, and especially Canadian seniors, let us talk about its carbon tax—

The Speaker: The hon. member for Abitibi—Baie-James—Nunavik—Eeyou.

[*Translation*]

Mr. Romeo Saganash (Abitibi—Baie-James—Nunavik—Eeyou, NDP): Mr. Speaker, a $2 billion increase in the price of generic drugs is not in the best interest of Canadians, and that is what we are opposing.

According to a report published by Industry Canada and Health Canada officials, seniors and the sick will be the ones footing the bill if the government goes forward with the free trade agreement with the European Union as it now stands.

Will the Conservatives protect Canadians' interests and refuse to sign any trade agreement that will increase drug prices?

[*English*]

Mr. Gerald Keddy (Parliamentary Secretary to the Minister of International Trade, for the Atlantic Canada Opportunities Agency and for the Atlantic Gateway, CPC): Mr. Speaker, that is just absolute nonsense. What our government is doing and what we have always sought to do with this agreement is to strike a balance between promoting innovation and job creation and ensuring that Canadians have access to the affordable drugs that they need. It is as simple as that.

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CANADIAN FOOD INSPECTION AGENCY

Mr. Frank Valeriote (Guelph, Lib.): Mr. Speaker, the government's handling of the E. coli outbreak at XL has been a display of complete incompetence, leaving Canadians in the dark. Sadly, consumers are losing confidence in the beef on store shelves and it is hurting cattle ranchers, who offer a safe product and have done nothing wrong.

Since the government's current system clearly failed, will the minister finally acknowledge that we need an immediate independent and comprehensive CFIA resource audit to better equip our inspectors in order to prevent further damage to our food supply chain?

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, our top priority is food safety and to ensure that consumers have confidence in that food supply.

Canadians continue to consume beef. That is good news. However, as part of our government's response to the Weatherill report, an expert advisory committee was established some time ago. That committee, along with CFIA, will completely review this and that report will be public.

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GOVERNMENT APPOINTMENTS

Hon. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Mr. Speaker, despite an order by the Public Service Commission that Kevin MacAdam, the long-time political buddy of the defence minister, must be terminated from his six-figure job at ACOA for indiscretions, he remains in place, still collecting his cheques.

While Mr. MacAdam runs roughshod over the Public Service Commission, could the minister show some semblance of protecting the integrity of the public service by confirming that Mr. MacAdam is no longer receiving taxpayer-funded language training for a job that had mandatory bilingual requirements from the get-go and will he confirm that he is no longer receiving Ottawa living expenses when his job is in Charlottetown, P.E.I?

Mr. Gerald Keddy (Parliamentary Secretary to the Minister of International Trade, for the Atlantic Canada Opportunities Agency and for the Atlantic Gateway, CPC): Mr. Speaker, this is a matter that is before the courts. However, I can tell members that this is not a political issue. Public court records state that the commission found problems with the way the public service ran its hiring process. It did not find any political interference by ministers or political staff.

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EMPLOYMENT INSURANCE

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Mr. Speaker, for the last month the Minister of Human Resources and Skills Development has embarrassed herself by regurgitating lame talking points about the working while on claim program.

Last week, in a grasp for political appeasement, she made changes that made it more convoluted and more unfair by creating two different types of EI recipients. It is sort of like the captain of the *Titanic* saying, "Anybody who boarded before lunchtime gets a life jacket; anybody else, enjoy the dip".

Will the minister put back in the allowable earnings provision to—

The Speaker: Order, please. The hon. Minister of Human Resources.

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, we introduced a new pilot project that would support Canadians who were working on claim and allow them to work two, three, four days a week and not be punished for it. That is important, because our priority is job creation. We need all the skills and talent of Canadians at work.

We made some adjustments to ensure that those who were working while on claim last year would be grandfathered in to allow them an easier transition to a new pilot project.

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● (1440)

NATIONAL DEFENCE

Mr. Matthew Kellway (Beaches—East York, NDP): Mr. Speaker, in September 2008, the Prime Minister said that a decade of war in Afghanistan was enough, and a motion passed in the House agreed there would be no more combat operations by Canada after December 31, 2011. Now we learn that Canadian soldiers continue to be deployed in combat roles in the volatile region at the centre of the Taliban insurgency.

Why did the Prime Minister break his promise? Why are the Conservatives violating their own 2008 motion to end combat operations in 2011?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, let us be clear. Combat operations in Afghanistan for Canadian soldiers have ended. We do in fact have a very small number as of October 15, less than a half dozen, who are taking part in a long-standing tradition, which is exchanges with countries such as Great Britain, Australia, United States, NATO allies.

This is a long-standing international practice in which Canadian Forces benefit from professional development. In fact, we receive forces from other countries to take part in this type of exchange, something I am sure the hon. member would support.

[*Translation*]

Ms. Christine Moore (Abitibi—Témiscamingue, NDP): Mr. Speaker, regardless of the number of soldiers involved or under which flag they are fighting, the fact is that, in 2012, Canadian soldiers are still involved in combat operations in Afghanistan, despite the fact that the Conservatives announced that such operations would end in 2011. By so doing, the Conservatives are violating their own motion, and that is a political decision.

An hon. member: You are pathetic.

Why are the Conservatives promising one thing in the House but then doing the opposite as soon as parliamentarians' backs are turned?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, that is not true.

There are maybe six members of the Canadian Forces who are participating in an exchange program with our allies in Afghanistan.

[*English*]

This is a long-standing practice where we have less than half a dozen members who participate in exchange programs with other NATO countries. It is a long-standing practice. There are no combat operations when it comes to Canadian soldiers. This is in keeping with the parliamentary motion.

[*Translation*]

Ms. Christine Moore (Abitibi—Témiscamingue, NDP): Mr. Speaker, we are not just talking about Afghanistan. The Conservatives are leaving a trail of broken promises.

The Conservatives promised that the Cyclone helicopters that are supposed to replace the Sea Kings would be delivered in 2008. Then the Conservatives said that the helicopters would be delivered this past June. After that, they said it would be later this year. Now, attempts are being made to renegotiate the contract.

This guessing game has gone on long enough. When will our soldiers be able to count on these aircraft?

Mr. Jacques Gourde (Parliamentary Secretary to the Minister of Public Works and Government Services, for Official Languages and for the Economic Development Agency for the Regions of Quebec, CPC): Mr. Speaker, when we sign a contract with a supplier, we expect that the supplier will respect its obligations under that contract.

We are already seeking statutory damages and interest under the contract, and the company is beginning to be charged a lot of extra fees because it has failed to deliver the maritime helicopter in full compliance with the established standards.

[*English*]

Mr. Matthew Kellway (Beaches—East York, NDP): Mr. Speaker, it is all just a bit of history repeating itself.

The Cyclone procurement was called "the worst procurement in Canadian history" by the Minister of National Defence. After saying that, the Minister of National Defence set out to plumb new depths and make new history.

The Conservatives have repeatedly agreed to spending more money and allow more extensions on the Cyclone. Now the makers of the Cyclone have come back for even more.

What is the plan this time? Will the Conservatives protect the corporation's balance sheet, or will they finally protect the interests of Canadians?

[*Translation*]

Mr. Jacques Gourde (Parliamentary Secretary to the Minister of Public Works and Government Services, for Official Languages and for the Economic Development Agency for the Regions of Quebec, CPC): Mr. Speaker, our government remains committed to providing the men and women of our Canadian Forces with the best equipment available to do their job.

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[*English*]

FOREIGN AFFAIRS

Mr. Kyle Seeback (Brampton West, CPC): Mr. Speaker, Canada and Jamaica have a close and long-standing bilateral relationship. Trade between our two countries is in excess of $350 million.

Could the Minister of State of Foreign Affairs for Americas and Consular Affairs inform the House about an important upcoming event in the relationship between our two great countries?

Hon. Diane Ablonczy (Minister of State of Foreign Affairs (Americas and Consular Affairs), CPC): Mr. Speaker, today the Prime Minister announced that he will meet with Portia Simpson-Miller, prime minister of Jamaica, on October 22 during her first official visit to Canada.

Canada and Jamaica share a long history as friends and partners with strong people-to-people ties and shared values.

Prime Minister Portia Simpson-Miller's visit will also mark the 50th anniversary of bilateral relations between our two nations. The leaders will discuss matters of mutual interest, including regional security, trade and investment and multilateral co-operation.

We very much look forward to welcoming the Jamaican prime minister on her visit next week.

● (1445)

[*Translation*]

TELECOMMUNICATIONS

Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP): Mr. Speaker, on May 16, 2012, the Leader of the Opposition asked the Prime Minister about security issues related to the operations of a company called Huawei on Canadian soil.

At the time, the Prime Minister responded that, "the particular concerns that he raised...have been examined and...have been addressed in our mind." However, five months later, the Prime Minister's spokesman has confirmed that Canada will be invoking a national security exception in the construction of a government telecommunications network.

Why the flip-flop?

[*English*]

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, our government takes cyber security seriously and operates on the advice of security experts. Our government recently made significant investments in the amount of $90 million in a cyber security strategy designed to defend against electronic threats, hacking and cyber espionage.

Our government has put in place a cyber security strategy designed to defend against electronic threats, hacking and cyber espionage.

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Mr. Speaker, the minister clearly has not addressed Huawei. The Conservatives did not take this seriously last May when the NDP first asked about it. The Prime Minister at that time was unequivocal when he said, "Those concerns have been examined and those concerns have been addressed in our mind". Therefore, while our allies have been taking national security seriously, the Prime Minister dismissed our concerns flippantly.

Will they now give Canadians a clear answer? Are the Conservatives going to prevent Huawei from being part of important and sensitive communication systems in Canada, yes or no?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, perhaps the member did not hear my answer. I said that our Conservative government had put in place a cyber security strategy designed to defend against electronic threats, hacking and cyber espionage.

* * *

FOREIGN INVESTMENT

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, it is not just foreign involvement in telecommunications where the government is ignoring the wisdom of Canadians.

Months after it was first proposed, Canadians are still in the dark about the consequences of the multi-billion Nexen takeover. Now we are hearing serious concerns from the business community, workers, environmental experts and members of the Conservative caucus, none of whom are being listened to by the government on this deal.

Will the minister stop ignoring Canadians and commit to using the 30-day extension to hold a thorough, transparent, public review of the deal and do what he should have done in the first place?

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, we will do what has to be done. We will always act in the best interest of Canada. The transaction that the member is talking about will be scrutinized very closely.

I must remind my colleague that we put in place additional measures such as state-owned enterprises guidelines back in 2007. We also put additional measures in 2009 to take care of national security issues.

[*Translation*]

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, the resource and energy sector is a strategic part of our economy, and serious questions related to this sector deserve clear answers.

Can the Conservatives answer even one of the following questions: will the CNOOC protect jobs? How long will the head office stay in Canada? How long will Canadian environmental standards be enforced? Will the minister take advantage of the extension to finally consult Canadians?

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, as my colleague is fully aware, Canadians can submit their views and opinions to the officials responsible for assessing investments. We will do the right thing—in other words, act in the best interest of Canada. The proposed transaction will be thoroughly scrutinized. That is what we have been saying from the beginning.

I invite my colleague to consider the measures introduced in 2007 regarding the guidelines for state-owned enterprises as well as the new legislative provisions introduced in 2009 that take issues of national interest into account.

We are open to investment and we will do it right.

* * *

REGIONAL ECONOMIC DEVELOPMENT

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, last week, at the International Summit of Cooperatives held in Quebec City, the government announced a $30 million fund to support start-up co-operatives and to stimulate the growth of existing co-operatives in all regions of Quebec. The Business Development Bank of Canada, the BDC, will contribute $10 million to this fund. We applaud that decision.

However, we have a very simple question for the minister responsible for the BDC: when will similar funds be announced for the other provinces and territories?

● (1450)

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, my colleague knows very well that this government has introduced very important measures for co-operatives. It is a well-known fact that co-operatives are economic drivers that support development in our regions. Instead of blathering and bickering, we are implementing measures to provide financial help. Instead of spouting platitudes, we are cutting taxes and red tape, and taking decisive steps to help ensure that Canadian co-operatives prosper.

* * *

[*English*]

CORRECTIONAL SERVICE CANADA

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, the government's decision to cut part-time chaplains in our prisons has sparked strong objections from religious leaders across the country and across religious faiths. They have told the government that appropriate faith-based counselling in prison is often a key to rehabilitation. This is not just a matter of protecting religious freedom. It is about reducing the reoffending, the key to safer communities.

Why are the Conservatives discriminating against non-Christians?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, that member's claims are based on a false and misleading report from the CBC that added words to a quote. The fact is that the Government of Canada strongly supports the freedom of religion of all Canadians. The Government of Canada funds full-time spiritual advisors to provide spiritual services to prisoners. These advisors can be of any faith and will make themselves available to provide faith-based advice to offenders. They supervise 2,500 volunteers of all faiths right across this country.

* * *

[*Translation*]

CANADIAN HERITAGE

Mr. Pierre Nantel (Longueuil—Pierre-Boucher, NDP): Mr. Speaker, we have just heard something rather pathetic.

The Conservative propaganda campaign continues. Oh, yes. This time, for no good reason, they have decided to give a new name and mandate to the Canadian Museum of Civilization in Gatineau. They could not care less that this is the most popular museum in the country. That does not matter.

The NDP loves history and loves the fact that the existing museum covers 20,000 years of history. What we do not love, however, is a revised and politicized version of history, as told by the Conservatives.

Can someone explain to the many fans of the Canadian Museum of Civilization, myself included, why the Conservatives hate pre-Columbian civilizations, for example? If it ain't broke, why fix it?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, the NDP is protesting a decision that has not even been made or announced. As soon as a decision has been made, I can assure my colleague that he will be among the first to know.

[*English*]

When it comes to our national museums, our government is very proud of our national museums. They are, indeed, some of the best museums in the world. We have created two new national museums under our government: the Canadian Museum of Immigration at Pier 21 in Halifax and the Canadian Museum for Human Rights in Winnipeg. We will continue to support our national museums and make them the very best museums in the world.

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, indeed, this is the museum of which all Canadians can be proud. It has shown amazing exhibits from all over the world. What will the focus be now, the Diefenbaker hall of glory—

Some hon. members: Oh, oh!

The Speaker: Order, please. I do not think the member was finished his question. I will ask members to hold off their applause until he does so.

The hon. member for Davenport.

Mr. Andrew Cash: —or how about the Preston Manning beautiful minds?

Some hon. members: Oh, oh!

The Speaker: Order, please. I do not want to have to ask hon. members once again to hold off on their applause. I hope the hon. member for Davenport will get to his question.

Mr. Andrew Cash: Mr. Speaker, the reaction underlines the fact that the Conservatives are relentlessly re-branding everything in their image and Canadian taxpayers are footing the bill for this.

What exactly is it about civilization that scares the government?

● (1455)

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, I congratulate my colleague on finally making it through a question.

We believe in our national institutions. The Canadian Museum of Civilization is a fantastic museum that has served Canadians incredibly well. We believe in our national museums. We will build upon the success of all of our museums going forward.

If we have any changes in mind, I will make sure that he is among the very first to know. If the member has any ideas, we are open to hearing them as well.

* * *

SCIENCE AND TECHNOLOGY

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Mr. Speaker, this week marks national science and technology week with events being held across the country.

As a member of Parliament representing a riding with two university campuses, I have seen first-hand how important it is to lay the groundwork for future careers in science and to engage Canada's youth so that we can continue to be an international science leader.

The week celebrates the significance of Canada's science and technology sector, demonstrating how science affects the daily lives of Canadians.

Could the Minister of State for Science and Technology please update the House on our government's ongoing commitment to science and technology?

Hon. Gary Goodyear (Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario), CPC): Mr. Speaker, I thank the member for Ancaster—Dundas—Flamborough—Westdale and our country-wide support for science and technology—

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. minister of state has the floor.

Hon. Gary Goodyear: Mr. Speaker, I thank the member for his support and the people across Canada for their support of the science and technology week initiatives. These events do inspire youth to pursue careers in science, enabling our country to remain an international leader.

The Conservative government's historic investments in science, including $8 billion new dollars in investment, have led to Canada being ranked fourth in the world.

While those members may oppose it, we will continue to support it.

* * *

SMALL BUSINESS

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, despite the fact that we are marking small business week, the government's policies are actually hurting Canada's one million small businesses. Shops near the border, hotels near national parks and tourism operators across the country are hurting, and those Conservative members who have small businesses in their constituencies know that. It is the government's damaging policies and tax increases that are hurting small business.

When will the government take—

Some hon. members: Oh, oh!

The Speaker: Order, please. We are almost through the list. The hon. member for Vancouver—Quadra still has a few seconds and I would like to hear the question.

Ms. Joyce Murray: Mr. Speaker, their constituents in small businesses are not laughing at these policies.

When will the government make sure that its policies support rather than undermine small business?

Hon. Gary Goodyear (Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario), CPC): Mr. Speaker, nothing could be further from the truth.

This Conservative government has lowered every tax we can imagine, including taxes for small businesses across the country. This government supports small and medium-sized businesses, as well as multinational organizations. If anybody here wants to raise taxes, it would be, first, the Liberals, who have a history of it, and second, the NDP that is promising to do it should it ever be government.

* * *

[*Translation*]

THE ENVIRONMENT

Ms. Laurin Liu (Rivière-des-Mille-Îles, NDP): Mr. Speaker, about 15 beluga whales were recently found dead on the shores of the St. Lawrence, and another appeared to be lost in the Port of Montreal. No one knows why.

This mystery will likely never be solved, since the Conservatives have cut funding for the ecotoxicology labs at the Maurice Lamontagne Institute. Marine species are threatened, and the government is laying off scientists who are responsible for protecting them.

When will the Conservatives stop making budget cuts that are detrimental to the health of the St. Lawrence and its residents?

[*English*]

Mr. Randy Kamp (Parliamentary Secretary to the Minister of Fisheries and Oceans and for the Asia-Pacific Gateway, CPC): Mr. Speaker, I can assure my colleague that DFO is concerned about the number of dead beluga calves that were found throughout 2012. The department has been monitoring the belugas' mortality very closely because of that. Analysis is under way to determine the causes of the mortality, and we will continue to work on that.

* * *

VETERANS AFFAIRS

Mr. Wladyslaw Lizon (Mississauga East—Cooksville, CPC): Mr. Speaker, our Conservative government has made great strides in cutting red tape to ensure Canada's veterans receive the hassle-free service they deserve. We have already significantly reduced the amount of time it takes for veterans to receive decisions regarding their disability benefits. Through our plain-language initiative, letters explaining benefit decisions are now easier to understand and we are simplifying the reimbursement process for the veterans independence program.

Would the minister update the House on other ways our government is cutting red tape for veterans?

● (1500)

Hon. Steven Blaney (Minister of Veterans Affairs, CPC): Mr. Speaker, the member for Mississauga East—Cooksville is right. Our veterans deserve a hassle-free service and that is what this Conservative government is giving them.

[*Translation*]

Yesterday I announced the launch of our initiative, the Benefits Browser for—

The Speaker: Order. The hon. Minister of Veterans Affairs.

Hon. Steven Blaney: Mr. Speaker, we launched the Benefits Browser for veterans. I encourage opposition members to visit the website to see that our veterans now have access to an online site to learn about the programs and services they are entitled to.

[*English*]

I encourage Canada's veterans to check out the veterans benefit browser which is a product that we worked on with the ombudsman and—

The Speaker: Order, please. The hon. member for Chambly—Borduas.

* * *

[*Translation*]

CITIZENSHIP AND IMMIGRATION

Mr. Matthew Dubé (Chambly—Borduas, NDP): Mr. Speaker, another day, another case of preferential treatment by the Conservative Party. The Canadian Olympic Committee asked that the immigration process for a table tennis player be accelerated just before the Olympic Games. Who could have made such a request, if not Dimitri Soudas, the Prime Minister's former communications director? Did he have any influence over this free pass?

As we saw in the case of Robert Abdallah at the Port of Montreal, Mr. Soudas likes to take advantage of his connections at the Prime Minister's Office. Why? What do they still owe him?

[*English*]

Mr. Rick Dykstra (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC): Mr. Speaker, the Citizenship Act actually allows, when there is an unusual case of hardship or reward to an individual for service to Canada, an individual's citizenship to be expedited. It has been there since 1977. Over 500 cases have been determined to work through the same way. Many athletes have been granted this exemption because their intense and tough training does not allow them to go through the process as quickly and efficiently as other citizens do. What has happened since 1977 and will continue to happen is that we will give those who have earned it the opportunity to participate.

* * *

[*Translation*]

PUBLIC SAFETY

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Speaker, the Conservatives' ideological justice initiatives come with a hefty price tag. Quebec will need 565 to 1,048 additional prison beds. We are talking about hundreds of millions of dollars for new prisons instead of health and education. Quebec has asked Ottawa to transfer ownership of the Leclerc Institution, which will be closing even though it was just renovated at a cost of $3 million.

Will the minister promise not to take advantage of the change in Quebec government to ignore this request?

[*English*]

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, I certainly will look at the request. However, I would point out that, for the first time in a decade, provincial remand centre populations are down 6%, thanks to the efforts of our government and our legislation.

* * *

PRESENCE IN GALLERY

The Speaker: I would like to draw the attention of hon. members to the presence in the gallery of the Honourable Jackson Lafferty, Minister of Education, Culture and Employment for the Northwest Territories.

Some hon. members: Hear, hear!

* * *

POINTS OF ORDER

ORAL QUESTIONS

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, I know passions were quite inflamed today, particularly for a Monday, and decorum was hard to achieve, but during the period of questions, our member from Abitibi—Témiscamingue asked a question.

The member for Edmonton Centre yelled out a word that I hope he regrets using in the House of Commons. I have great respect for my friend, and while passions may flare there is such a thing as parliamentary language. I am going to offer the member the opportunity not only to apologize to the member for Abitibi—Témiscamingue but also to retract his comments.

Hon. Laurie Hawn (Edmonton Centre, CPC): Mr. Speaker, I do regret the comments. I should have referred to what was said, not the person who said it. For making it personal, I apologize.

The Speaker: I thank the hon. member for that. I am sure the House appreciates it as well.

ROUTINE PROCEEDINGS

● (1505)

[*English*]

WAYS AND MEANS

NOTICE OF MOTION

Hon. Ted Menzies (Minister of State (Finance), CPC): Mr. Speaker, pursuant to Standing Order 83(1) I have the honour to table a notice of a ways and means motion to implement certain provisions of the budget that was tabled in Parliament on March 29, 2012, and other measures.

I ask that an order of the day be designated for consideration of the motion.

[*Translation*]

COMMITTEES OF THE HOUSE

STATUS OF WOMEN

Ms. Marie-Claude Morin (Saint-Hyacinthe—Bagot, NDP): Mr. Speaker, I have the honour to present, in both official languages, the fourth report of the Standing Committee on the Status of Women on improving economic prospects for Canadian girls. Pursuant to Standing Order 109, the committee requests that the government table a comprehensive response to the report.

* * *

[*English*]

CANADA ELECTIONS ACT

Mr. Don Davies (Vancouver Kingsway, NDP) moved for leave to introduce Bill C-450, An Act to amend the Canada Elections Act (voting hours).

He said: Mr. Speaker, I rise to introduce a bill to improve the accessibility of our voting system and to strengthen the ability of all British Columbians to exercise their democratic right. I thank my hon. colleague from Burnaby—New Westminster for seconding this important bill.

This bill would change the voting hours in British Columbia for a general election. Currently the polls are open from 7:00 a.m. to 7:00 p.m. This bill would set the hours at 8:00 a.m. to 8:00 p.m., and this would bring B.C. closer in line with other provinces where voting is open until 8:30 p.m or even 9:30 p.m.

There are many working families in my riding. There are many single parents. Many people work long hours at multiple jobs to feed their families, and closing the polls at 7:00 p.m. prevents many of these people from voting.

Everyone in this House has experienced election day. We know that voting places are always busiest in the hours after work. In British Columbia, where the polls close at 7:00 p.m., there are often long lineups and many people cannot make it in time, and those who do are often discouraged by the lines and leave without casting a ballot.

Voter turnout in Canada is worryingly low. I believe it is the responsibility of politicians to make sure the voting system is designed to be accessible to everyone.

In conclusion, this bill is simple. It is reasonable. It would not cost one penny. It addresses a very real problem in our community. I hope the government will realize the importance of this proposal and work with all members of the House to make it a reality.

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

* * *

EMPLOYMENT INSURANCE ACT

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.) moved for leave to introduce Bill C-451, An Act to amend the Employment Insurance Act (removal of waiting period for special benefits).

He said: Mr. Speaker, in the past eight years since I have been doing this job, this issue has come to us time and time again.

If we look at the logic of the EI system and how it deals with special benefits, we see it is kind of illogical in the way it works. For instance, during regular periods of receiving benefits of employment insurance, there is always that waiting period where applicants get basically two weeks where, if they do not find a position, they then get their EI benefits. Those two weeks are given to find a job within that period.

However, when it comes to special benefits, such as sickness, the waiting period really does not make sense because applicants are not all of a sudden going to become well within that two-week period. Therefore, it does not make sense in the legislation.

This bill would correct that and make some sense out of this particular measure by eliminating the waiting period for those hoping to receive special benefits for sickness.

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

* * *

● (1510)

PETITIONS

HEALTH OF ANIMALS ACT

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, I am pleased to table two petitions today in support of Bill C-322, a bill that was tabled by my friend and NDP colleague, the member for British Columbia Southern Interior.

The petitioners know that horses ought to be kept and treated as supportive and companion animals, but all too often Canadian horsemeat products are now being sold for human consumption despite the fact that the meat is likely to contain prohibited substances that were never intended for human consumption. That is why the petitioners are calling upon Parliament to adopt Bill C-322, An Act to amend the Health of Animals Act and the Meat Inspection Act, which would prohibit the importation and exportation of horses for slaughter for human consumption as well as horsemeat products for human consumption.

I am delighted to be able to table this petition in the House dealing with such an important matter of animal welfare.

ACCESS TO MEDICINES

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, I am happy to rise today and present a petition given to me by a group of grandmothers and others from New Brunswick, the Sackville and Tantramar area of my constituency. These people have done a lot of work in bringing the issue of access to medicines, particularly in Africa, to the attention of parliamentarians. They are calling upon Parliament to support Bill C-398, which would improve access to many of these medications. It is legislation I have always supported.

I am happy to present this petition on behalf of a group of great people from my constituency who have collected signatures from all over the Maritimes in support of this important bill.

GENETICALLY MODIFIED ALFALFA

Mr. James Lunney (Nanaimo—Alberni, CPC): Mr. Speaker, I have two petitions to present today.

The first is calling for a moratorium on GM alfalfa. This petition is signed by some 188 persons from Vancouver Island, largely from the Parksville and Qualicum Oceanside area and Nanoose Bay.

The petitioners are calling the attention of the House to the concerns about GM alfalfa. They say that genetically modified alfalfa has been planted in test plots and that unwanted contamination from GM alfalfa is inevitable and may contaminate or threaten organic farming. They are also concerned that organic farming prohibits the use of genetic modification. Alfalfa is used as a high-protein feed for dairy cattle and other livestock as well.

Therefore, the petitioners are calling upon Parliament to impose a moratorium on the release of genetically modified alfalfa until a proper review of the impact on farmers is conducted.

DEVELOPMENT AND PEACE

Mr. James Lunney (Nanaimo—Alberni, CPC): Mr. Speaker, the second is a petition for Development and Peace, again from about 50 persons in my riding, calling for financial support for the Canadian Catholic Organization for Development and Peace. They draw attention to the extensive work of Development and Peace, with 186 partners in 30 countries over the years, and they are calling for increased full funding of $49.2 million requested by D and P—

The Speaker: Order. The hon. member for LaSalle—Émard.

[*Translation*]

EXPERIMENTAL LAKES AREA

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, I would like to present two petitions signed by many Canadians who want to save the Experimental Lakes Area research station. This research station is essential, since its scientists study the toxic substances in our lakes and help preserve the quality of our water, which is one of our greatest resources.

[*English*]

Mr. Bruce Hyer (Thunder Bay—Superior North, Ind.): Mr. Speaker, I have the pleasure today of presenting two petitions.

The first petition is from the residents of Kenora and Dryden, Ontario, on the topic of the Experimental Lakes Area.

In the 2012 omnibus budget, the government made the decision to close the ELA, one of the world's leading freshwater research stations, depriving Canadians of the groundbreaking scientific advancements it provided. The petitioners call upon Parliament to reverse that decision.

SENIORS

Mr. Bruce Hyer (Thunder Bay—Superior North, Ind.): Mr. Speaker, the second petition is from many residents of Thunder Bay, Armstrong, Red Rock and the north shore of Lake Superior, who are deeply concerned about the precarious financial situation many seniors face in Canada. Petitioners point out that less than 40% of Canadians have workplace pensions and 300,000 seniors have to survive on poverty-level incomes.

● (1515)

PENSIONS

Ms. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, I have a petition from people across the country who are very concerned about the government's changes to old age security, because it will have a very negative impact on the poorest seniors in our country. In fact, changing the age of eligibility for OAS from 65 to 67 will cost each and every senior about $12,000 every year.

Petitioners are asking the Government of Canada to maintain the retirement age eligibility for OAS at 65 and to make the required investments in guaranteed income supplements in order to lift every senior in the country out of poverty.

THE ENVIRONMENT

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I have two petitions to present today. The first deals with the issue of oil tankers on the coastline of British Columbia. It has been signed by many residents in the Vancouver area. They are calling for a permanent legislated moratorium.

DNA DATABASES

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, the second petition is a very personal one. Judy Peterson, a member of my community, living in my riding, has been working for years to get something put through the House that has been supported by Senate committees. It is to have DNA identification for missing persons cross-referenced with other databases such as a victims index. It would be maintained within a national DNA databank. She calls this Lindsey's law, marking the loss of her own daughter, Lindsey, who disappeared many years ago.

Petitioners hope the House will take action.

The Speaker: I see the hon. member for Beauséjour was rising. Does he have another petition? It is normal that after the member has already been granted the floor that he requires unanimous consent to have the floor again during petitions.

Does the hon. member have unanimous consent to present another petition?

Some hon. members: Agreed.

The Speaker: The hon. member for Beauséjour.

SENATOR HERVÉ J. MICHAUD EXPERIMENTAL FARM

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, I thank my colleagues for allowing me to rise again to present a petition that is very important in southeastern New Brunswick, particularly in the agricultural community.

[*Translation*]

Senator Hervé J. Michaud Experimental Farm is facing closure. The government has announced the closure of this experimental farm, a federal institution that has a lot of support from the community. Hundreds of farmers in the Bouctouche region, in Kent County, have signed a petition. They are calling on the government to reverse its decision and preserve this very important institution.

* * *

[*English*]

QUESTIONS ON THE ORDER PAPER

Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, I ask that all questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

NUCLEAR TERRORISM ACT

Hon. Lisa Raitt (for the Minister of Justice) moved that Bill S-9, An Act to amend the Criminal Code, be read the second time and referred to a committee.

Ms. Kerry-Lynne D. Findlay (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, I am pleased to participate in the second reading debate on Bill S-9, the nuclear terrorism act. I will begin my remarks by drawing attention to the words of the Belfer Center for Science and International Affairs at Harvard University in its 2011 report entitled, "The U.S.-Russia Joint Threat Assessment of Nuclear Terrorism". It noted, "Of all varieties of terrorism, nuclear terrorism poses the gravest threat to the world".

Al-Qaeda, for example, has a long-standing stated desire to acquire weapons of mass destruction. Our government has acknowledged this threat. The March 2010 Speech from the Throne noted the danger to global peace and security posed by the proliferation of nuclear materials and related technology. In light of this threat, the international community and individual countries have taken a number of steps to combat nuclear terrorism. Two key international efforts are the genesis for Bill S-9. It is important to take a moment to discuss these two treaties that are its genesis.

The original Convention on the Physical Protection of Nuclear Material, the CPPNM, was signed by Canada in 1980 and ratified in 1986. It established measures related to the prevention, detection and punishment of offences relating to nuclear material, principally during international transport. In July 2005, state parties to the CPPNM, including Canada, adopted by consensus important amendments calling on states to protect nuclear facilities and material in peaceful domestic use, storage and transport; to provide for expanded co-operation among states; and to criminalize a range of acts involving nuclear material and nuclear facilities. I will refer to this instrument as the CPPNM amendment.

That same year, the International Convention for the Suppression of Acts of Nuclear Terrorism, or ICSANT, was negotiated and adopted by the United Nations General Assembly. It covers a broad range of acts and possible targets, including nuclear facilities, and applies to nuclear material, radioactive material and radioactive devices, and includes provisions relating to interstate co-operation. Given the clear overlap between the criminal law requirements and subject matter of the CPPNM amendment and the ICSANT, Bill S-9 is designed in a way that proposes to implement into Canadian law the criminal law elements of both instruments.

For Canada, as with other dualist states, domestic legislation is required to ratify international treaties. Ratification is the formal act by which we signify our consent to be legally bound by the terms of the conventions. Bill S-9 proposes four new nuclear terrorism offences in our Criminal Code.

First, it proposes an offence for the making of a nuclear or radioactive device, as well as the possession, use, transfer, export, import, alteration or disposal of nuclear material, radioactive material or device, or the commission of an act against a nuclear facility or its operations with the intent of causing death, serious bodily harm or substantial damage to property or the environment. Those who are found guilty of this offence are liable to a maximum term of life imprisonment. I would note that the prohibition against the making of a device was added through an amendment made while Bill S-9 was being studied by the Special Senate Committee on Anti-Terrorism, and I would certainly say that it adds to the strength of this important bill.

Second, the bill proposes an offence for the use or alteration of nuclear material, radioactive material or device, or the commission of an act against a nuclear facility or its operations with the intent of compelling a person, a government or international organization to do or refrain from doing any act. This offence also carries a maximum penalty of life imprisonment.

Third, Bill S-9 also calls for an offence for the commission of an indictable offence for the purpose of obtaining nuclear or radioactive material or device, or access or control of a nuclear facility. The offence is designed in this way to comply with the requirements of both the CPPNM amendment and the ICSANT to specifically address the commission of various crimes, such as theft and robbery perpetrated to obtain nuclear or radioactive material or a device.

● (1520)

As a result, this offence would require the Crown to prove beyond a reasonable doubt that both the underlying offence was committed, with its requisite elements, and that it was done with the intent to obtain nuclear material, radioactive material or a device, or to obtain access to a nuclear facility.

Again, given the seriousness of such an offence, the proposed penalty is a maximum term of life imprisonment.

The fourth and final offence proposed in Bill S-9 addresses threats to commit one of the above nuclear terrorism offences. Both the CPPNM amendment at article 7(9) and the ICSANT at article 2(2) require states to criminalize the threat to commit one of the treaty offences.

The Criminal Code does contain an offence of uttering threats, found at section 264.1. However, this offence has a maximum punishment set at five years, which was not seen as severe enough in the case, for example, of threatening to unleash a radiological dispersal device, or dirty bomb, in public. The maximum penalty proposed for this offence is 14 years' imprisonment.

It is important to state that the offences in Bill S-9 and their very specific intent requirements have been set out to be absolutely clear so that lawful activity is not captured. In other words, these proposed four new offences would not capture lawful medical procedures involving radiation, the lawful exchange of material or devices or other lawful activity in the nuclear industry.

These four offences make up the essential elements of Bill S-9, but there are other important areas that require brief comment.

First, the terms "nuclear material", "radioactive material", "nuclear facility", "device" and "environment" are defined in Bill S-9. All of these definitions are based either on existing law or on the CPPNM amendment and the ICSANT.

Second, as is consistently the practice in treaties of this nature, countries are called upon to assume extra-territorial adjudicative jurisdiction, which means ensuring that our Canadian courts have the authority to try offences committed outside of Canada in certain situations. It is for this reason that Bill S-9 would provide for jurisdiction to try these new offences in situations, for example, where the offence is committed outside Canada but by a Canadian, or when the person who commits the act or omission outside Canada is later present in Canada.

Third, given that the majority of Criminal Code offences are prosecuted by the provinces and territories, as is the established practice for other terrorism offences, Bill S-9 would provide the Attorney General of Canada with concurrent prosecutorial authority along with the provinces and territories over these new nuclear terrorism offences.

In addition, as called for in the treaties and consistent with Canadian law in this area, Bill S-9 contains a military exclusion clause. These amendments do not apply to the activities of the Canadian Forces and to persons acting in support of the Canadian Forces who are under the formal command and control of the Canadian Forces while in the performance of their official duties.

The military exclusion language used in both the CPPNM and ICSANT is similar to that used in the International Convention for the Suppression of Terrorist Bombings, which is presently in Canadian law at section 431.2 of the Criminal Code.

Moreover, it is significant to note that Bill S-9 would add both the CPPNM amendment and the ICSANT to the list of existing terrorism treaties making up the first part of the definition of terrorist activity at section 83.01(1)(a) of the Criminal Code.

The significance of this addition is that by virtue of the operation of the definition of terrorist activity, a number of other provisions would apply to those charged with the nuclear terrorism offences. These provisions include a reverse onus at bail hearings, the availability of one-year wiretap authorizations as well as the dispensation of the requirement to demonstrate investigative necessity.

In addition, for this terrorism offence, the law would provide for the application of the consecutive sentencing regime for multiple terrorism offence convictions and an increased period for parole ineligibility.

All of these powers currently exist in Canadian criminal law and so the only change brought about by Bill S-9 is the addition of the nuclear terrorism offences to the pool of offences to which these tools apply.

Outside of the criminal law, the physical protection measures contemplated in the CPPNM amendment are already in place in Canada.

● (1525)

Under the Nuclear Safety and Control Act, the Canadian Nuclear Safety Commission is responsible for setting physical protection standards in Canada and ensuring that those standards are met. The nuclear security regulations set out the physical protection measures that licensees must implement to meet minimum security standards. However, due to the pressing threat posed by the possibility of terrorists acquiring dangerous nuclear or radioactive materials or devices, the securing and disposing of these materials remains a high priority for Canada and its international partners.

In this regard, at the invitation of United States President Obama, 47 world leaders, including the Prime Minister, participated in the inaugural April 2010 Nuclear Security Summit held in Washington. At this summit the leaders agreed that strong nuclear security measures were the most effective means to prevent terrorists, criminals or other unauthorized actors from acquiring nuclear materials, and in this regard the summit work plan called upon participating states to ratify and work toward achieving the universal implementation of the CPPNM amendment and the ICSANT.

The second Nuclear Security Summit was held in March of this year in South Korea. The summit again brought together world leaders to exchange views on the threat of nuclear terrorism and the pressing need to further develop and implement internationally coordinated efforts to enhance nuclear security worldwide. World leaders, including our Prime Minister, joined together to state:

> Nuclear terrorism continues to be one of the most challenging threats to international security. Defeating this threat requires strong national measures and international cooperation given its potential global political, economic, social, and psychological consequences.

The summit produced a comprehensive action plan aimed at preventing nuclear terrorism, with emphasis on the management of nuclear materials, protection of nuclear facilities, prevention of trafficking of illegal nuclear materials and the promotion of the universality of key nuclear security instruments.

Therefore, it will come as no surprise that Canada is not alone in pursuing domestic legislation on this front. The United Kingdom became a state party to the CPPNM amendment through amendments made by its Criminal Justice and Immigration Act, 2008, and the ICSANT through the Terrorism Act, 2006. In addition, Australia modified its laws to achieve ratification through the Non-proliferation Legislation Amendment Act, 2007, and more recently, the Nuclear Terrorism Legislation Amendment Act, 2012. I would also note that the United States has a bill before the United States Congress aimed at domestic ratification.

Upon review of these foreign precedents, members will note many similarities in how countries, including Canada, through Bill S-9, have adopted or proposed laws to implement the criminal law requirements of the CPPNM amendment and the ICSANT. These specific efforts are only part of the international community's efforts at universal ratification. Indeed, there are currently 55 states parties to the CPPNM amendment and 79 states parties to the ICSANT.

Without a doubt, Canada strongly supports the work of the International Atomic Energy Agency. Canada was in fact one of the architects of the CPPNM amendment and the ICSANT, and we are encouraged by the adoption of these two conventions by a significant number of countries and we actively encourage others to follow through on their commitment to become parties as Canada is doing.

Bill S-9, once passed and followed by the ratification of the CPPNM amendment, as well as the ICSANT, would give credence to Canada's commitment to the strengthening of the global national security architecture. It would provide Canada with additional tools to counter this threat as well as enhance our ability to work with partners to mitigate the consequences should this threat ever materialize.

On this last point, it is important to note that both international instruments have specific obligations relating to extradition and mutual legal assistance that would be triggered in the event of a nuclear terrorism investigation or offence. While the global spread of the use of nuclear technology and nuclear materials brings great benefits, the increasing number of users also creates vulnerabilities. Terrorists will seek to exploit any gap in security anywhere in the world and it is our duty to ensure that Canada has the laws in place to ensure that we will not present any such opportunities.

● (1530)

Bill S-9 is both targeted and timely. With the adoption of specific nuclear terrorism laws and the eventual ratification of these two important counterterrorism treaties, Canada can build on and demonstrate its continued commitment to secure nuclear materials as well as to punish those who would inflict unimaginable harm.

Bill S-9 sends a strong message to the global community that Canada is a willing partner in the fight against terrorism and is committed to measures that contribute to global security.

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, I thank my colleague from Delta—Richmond East, who managed to turn a rather dry, complicated and very technical bill into something more easily understood. I certainly appreciate the urgency and importance of this bill, which we will support at second reading.

Why has the government not made this a priority before now? For the past five years now, we could have been honouring our commitments under international treaties. Why did it take five years?

[*English*]

Ms. Kerry-Lynne D. Findlay: Mr. Speaker, my colleague and I work together very well on the justice and human rights committee and I continue to welcome her input on these important legislative measures.

The fact is that there were attempts to bring forward many of these measures during the time of minority Parliaments but they were not accepted. Now we are in a majority situation and we are bringing them forward. I hope the opposition members will see the need for this and understand the legal effect of ratifying our international obligations. Ratification is the formal international act by which Canada signifies its consent to be legally bound by these conventions, which we were part of the architecture of them as well as agreeing with them. This is a real and continuing threat and we are now taking our place among our international partners.

● (1535)

Mr. Craig Scott (Toronto—Danforth, NDP): Mr. Speaker, I agree with my colleague from Gatineau. That was a very helpful and extremely clear introduction of the bill by the parliamentary secretary.

The International Convention for the Suppression of Acts of Nuclear Terrorism includes, among the listed acts that are an offence or need to be made an offence in domestic law, the making of a radioactive device. That was not originally in the government's bill before the Senate and the Senate has made an amendment to add that offence to the bill.

Could the government explain why that rather obvious offence was not included in the original bill?

Ms. Kerry-Lynne D. Findlay: Mr. Speaker, I cannot speak to why it was not included originally. What we are dealing with now are four new offences. It is important for all of us to understand, members considering this, as well as the Canadian public, that is what is happening here with this bill.

There would be an offence for the possession, use, transfer, export, import, alteration or disposal of nuclear material, radioactive material or device, or the commission of an act against a nuclear facility or its operations. There is an offence for the use or alteration of nuclear material, radioactive material or device, or the commission of an act against a nuclear facility or its operations. There is an offence for the commission of an indictable offence for the purpose of obtaining nuclear or radioactive material or device, or access or control of a nuclear facility. There is also an offence for a threat to commit one of those offences.

As I said in my speech, the threat here can bring about an unimaginable toll, one we do not want to ever have to deal with on Canadian soil. We need to take these strong preventive measures and join our global partners.

[*Translation*]

Ms. Françoise Boivin: Mr. Speaker, another question comes to mind after listening to the hon. member for Delta—Richmond East.

How does the government plan to deal with the problems that could result from the fact that these new Criminal Code offences will have a broader scope than the offences included in separate international agreements?

[*English*]

Ms. Kerry-Lynne D. Findlay: Mr. Speaker, as I said in my speech, one of the proposed methods is to have concurrent prosecutorial authorities for the attorney general of Canada, as well as the provinces and territories which are the ones, under our constitution, that generally administer the law. They are the ones applying what terrorism offences exist now. That is one of the ways we will be dealing with this.

This is where we are sort of partnering Bill S-7 and Bill S-9 together. We are taking steps to bring this together now in order to deal with it effectively and in a timely way. That is the understanding on the concurrent jurisdiction.

Mr. Craig Scott (Toronto—Danforth, NDP): Mr. Speaker, the nuclear terrorism act, currently in the form of Bill S-9, would amend the Criminal Code to align our law with obligations under two international agreements, as the parliamentary secretary has so ably outlined. One is ICSANT, the International Convention for the Suppression of Acts of Nuclear Terrorism of 2005, and an amendment to another treaty in 2005, the Convention for the Physical Protection of Nuclear Materials.

In broad terms, those two instruments, along with the underlying Convention for the Physical Protection of Nuclear Materials, deal with the protection of radioactive material, nuclear material and nuclear facilities, and the protection from nuclear or radioactive devices.

The creation of criminal law offences is one aspect of the protection scheme, alongside ensuring there is a broad, in essence, kind of universal jurisdiction to prosecute for most aspects of these offences.

The present bill, Bill S-9, is overdue if one looks at the dates of the two instruments, both 2005, although this delay is mitigated by the fact that Canada is not yet bound to either instrument because it has not yet ratified. We have signed but that is not the same thing as ratification. The passage of Bill S-9 will put us in a position to be in compliance and, thus, to ratify.

However, why we have left this combined ratification and implementation for so long does remain a mystery to me, despite the answer just given by the parliamentary secretary. This is not a controversial bill from any side of the House and I cannot imagine a minority Parliament would have held it up.

As I have already indicated, the NDP very much supports the bill going to committee. We will vote for it at second reading and we expect to do so at third reading. Overall, we are completely behind the bill as a necessary measure as part of Canada's international co-operation against threats related to nuclear terrorism of various forms.

In a world of heightened technological sophistication that increases the ability to steal material, attack installations, make radioactive devices and so on, it is impossible to overstate the importance of such co-operation and, indeed, Canada's role in that co-operation.

We wish to see this bill become law as rapidly as possible. At the same time, we also emphasize that some close technical scrutiny of the bill in committee is still called for to ensure that it has been drafted in the best way to fulfill our obligations under these two treaties so that we can then go on and not be in non-compliance once we ratify.

It may be that some slight amendments will be needed in committee. I say this for three reasons.

The first reason is that there was what seems to have been a major omission in the government's bill that went to the Senate before coming to us. What was that omission? I referred to it in my question just now to the parliamentary secretary. Whereas ICSANT's article 2 (1)(a) includes the offence of making a radioactive device, Bill S-9, in its original form before the Senate, did not include this activity despite mentioning every other conceivable form of activity that also was in the two treaties: possession, use, transport, export, import, alteration and disposal.

The Senate caught this omission, assisted, no doubt, by an alert Library of Parliament preliminary summary of the bill, and the mistake has been rectified in what we now have coming from the Senate.

However, and this is my main point, the situation does give one reason to pause and ask a question. If something as significant as making a radioactive device, which appears clearly in the text of the relevant treaty, was missed, has anything else been overlooked, or has there been some other slippage in the tightness or the accuracy of the drafting of this bill? The committee needs to ensure this is not the case.

The second reason there may be a need for amendments following directly on from the just asked question is that the committee may need to consider amendments in that there is some reason to believe that parts of Bill S-9 have been drafted in terms that are not just more general in their phraseology than the specific treaty articles they are meant to implement but are broader in the sense of criminalization of more than is required by the treaties.

● (1540)

I will, in a moment, outline where this may be a problem in Bill S-9, but a prior problem may be that the Minister of Justice and officials before the Senate committee do not appear to agree that there are any such aspects of over-breadth. The reason this is a problem is that such denial makes it impossible to go to the next stage of analysis, which is to ask whether over-breadth in relation to what is strictly required by the treaties is actually of any real concern.

If the treaties permit state parties to go further in what they criminalize, and the treaties probably do permit this, then it becomes a matter of sound public policy discussion as to whether we do wish to go further. However, if the government denies that Bill S-9 does go further, we cannot even have that discussion.

The third reason we may need to entertain a small amendment or two in committee is that there may, and I emphasize the word "may", be under-breadth in terms of the coverage of one aspect of Bill S-9 offences. Now I may have misread the corresponding treaty provisions in relation to the sections of Bill S-9 in question, but one reading of them is that Bill S-9 may not go as far as required in one respect. If this is the case, then our legislation would put us in non-compliance after ratification. I will identify this possible glitch in a moment.

I will now proceed with a bit more detail on these points to illustrate why it is that we may have to pay some close attention in committee.

First, on the issue of potential over-breadth, and I do apologize to everyone listening that this will be as technical as it is starting to sound. In particular, with respect to proposed sections 82.3 and 82.4, article 2 of ICSANT is rather inelegant in expressing the need for specific intent on top of general intent for some of the offences mentioned. It talks about any person intentionally possessing, using, making a device and so on with the intent to cause death or serious bodily injury or with the intent to cause substantial property damage or harm to the environment.

The first point to note is that this double use of intentionality does cause a certain degree of inelegance. Bill S-9 does not repeat that. It uses simpler language, for the most part going straight to the specific intent formulations. This seems wise.

However, the problem that then appears on one reading of proposed sections 82.3 and 82.4 is that the specific intent formulations of the ICSANT treaty regarding use or damage to a nuclear facility are not reproduced in Bill S-9. Instead, proposed sections 82.3 and 82.4 of the bill merely assume a general intent standard. This is because, and again this is a very technical point, in proposed sections 82.3 and 82.4 the acts listed after the words "or who commits" are cut off from the specific intent references earlier in the provision.

In a similar vein, the amendment to the CPPNM treaty on acts directed against nuclear facilities also has a specific intent requirement that Bill S-9 does appear to omit.

Here is another point about over-breadth that I will simply state as a very clear problem, as there is no doubt or debate about this one. The references to crimes of threat in Bill S-9 go further than necessary under the treaties. This is very helpfully laid out in the very well put together legislative summary provided by the Library of Parliament.

Finally, there is a provision in Bill S-9 that talks about committing an indictable offence with intent to obtain material or a device versus the treaty provisions, which actually list the specific other forms of offence that are attached to this search for intent to obtain material or a radioactive device.

● (1545)

We have created a much broader tacking-on of this notion of committing any indictable offence as opposed to the offences specifically listed in the treaties: theft, robbery, embezzlement, fraudulent obtaining and so on.

All of this is as dry as the hon. member for Gatineau promised it would be. However, I did want to get this on the record so that it helps us at the committee stage to ask whether this is a correct reading, and if so, what needs to be done about it.

There is something quite significant however about the fact that if there is over-breadth in any respect, there is a multiplier effect that occurs throughout Bill S-9. That is because a number of other provisions tack themselves onto the offences. Four of them in particular are worth mentioning. One is the extraterritorial scope of the offences. The second is that they enter into the definition of terrorist activity, which is thereby broadened. The third is that the electronic surveillance provisions of the Criminal Code would be kicked in by the offence definitions, as are fourthly, the DNA sample provision of the Criminal Code.

The issue is not that these offences are simply more broadly worded in and of themselves, which may strike people as a slightly semantic issue. It is how one multiplies the potential significance of that across all of the other provisions I have just listed. It is what I call an amplification effect.

I mentioned that there is possibly an odd twist here. There may be one instance of narrowing our treaty obligations in Bill S-9 in such a way that might mean that Bill S-9 does not go far enough and, thus, may put us in breach of the treaty.

The new CPPNM amendment in article 7(1)(d) criminalizes "the intentional commission of...an act which constitutes the carrying, sending, or moving of nuclear material into or out of a State without lawful authority". Yet proposed section 82.3 of Bill S-9 would make the import and export offence subject to the specific intent portions of that section, which are not in Article 7(1)(d) of the treaty amendment. This could possibly be a misreading of the treaty amendment on my part or of what is intended by Bill S-9, but there does appear to be the possibility that we have under-inclusion in that respect.

All of this adds up to the fact that the committee will need to pay some attention to whether or not this legislation has been drafted as well and as tightly as needed, particularly in light of the fact that in asking questions of the parliamentary secretary just now, the responses that came back were fairly general. It is not at all clear that the government has its head around these problems, despite the warning of some of these questions being asked in the Senate.

I would like to say a few words about parliamentary democracy as it relates to this legislation. One might assume that I am referring to the fact that the bill started in the Senate, the unelected, second chamber of our Parliament. In fact, that is not my immediate concern. A much more real concern and affront to this chamber is that Bill S-7, on which debate started earlier today, first went to the Senate.

Having listened to myself for the last 10 minutes, Bill S-9 is very technical in nature. It may well be the kind of bill that can fruitfully be started in the Senate so that the House benefits from some preliminary cleaning up and does not have to allocate undue time to studying the bill. The fact that the Senate caught the omission of the making a device offence may actually prove my point, in part.

My immediate democracy concern does not relate to the Senate. Rather, it relates to the methods we use in Parliament to implement treaties and statutes. Again, I am not referring here to the mess that many in this room know exists with respect to the lack of consistency in the way that statutes are drafted to accomplish implementation of a treaty.

● (1550)

By one count in a law journal article I read some time ago, there are well over a dozen methods employed, ranging from verbatim reproduction of treaty text to very general language that does not even hint at there being an underlying treaty motivating the legislative change. While this is an important issue and while it does bear directly on how Bill S-9 may be over-broad in parts, I will leave that for another day.

Therefore, I turn to what my concern actually is.

What I want to discuss is much more procedural in nature. The way in which bills are introduced, presented and reported from stage to stage is close to a travesty when it comes to the twin goals of transparency and accountability. Parliament, and thereby the Canadian public, must be given every opportunity and tool to be able to understand precisely what is in a bill and how that content relates, in this context, to an underlying treaty or another international instrument such as a Security Council resolution.

However, that is not what happens here in Canada. Treaty-implementing bills almost always get plunked onto Parliament's desk with nothing resembling an overview, let alone a road map, from the government of how a statute's provisions line up with related treaty provisions. Parliamentarians end up reading a bill as if they have a jigsaw puzzle to solve. They track down the related treaty and then try to connect the dots between the treaty and the statute with absolutely no help from the government by way of a commentary that could easily provide explanatory charts showing side-by-side text so that Parliament's role of scrutinizing critically and effectively can be facilitated.

Instead, valuable energy is wasted at the preliminary stage of understanding what is going on in the relationship between the statute and the treaty text. As some members will be aware, I am speaking as someone who was not only a law professor in a previous life but has been an international law scholar for over 20 years. Therefore, if there is anyone in a position to put the jigsaw puzzle together it would be someone with my background. However, even I find it very frustrating.

More importantly, I find it undemocratic. Why? Anything that makes legislative details needlessly inaccessible gets in the way of clear and focused analysis and debate, both by and among parliamentarians, and in terms of how journalists and the public in general will have difficulty grasping analysis and debate if there are no well-presented documents that make the subject of analysis and debate reasonably easy to follow. At multiple levels, democratic scrutiny is undermined and the distance between Parliament and society is exacerbated.

Without dwelling further on the details of an ideal system of clear and transparent presentation of treaty-implementing bills, which this bill lacks, at minimum the government must be required to include alongside a bill a document that does at least the following three things.

First, the document should show the text of the treaty and statute in a side-by-side comparison that makes clear what the statute is intended to implement.

Second, the document should explain and justify the method of implementation that has been chosen. For example, if general language is used or if a treaty text is reproduced nearly but not entirely in verbatim form from the treaty, we need to know why that decision was made.

Finally, the document should provide a clear account of what is not in the implementing bill by reason of the fact that either Canadian law may already cover off the area, the treaty provisions in question may only operate on the international plain or the matter must be dealt with by a provincial legislature.

In order to appreciate that this is not simply a cranky protest, all we have to do is to consider what everyone knows about how inaccessible even basic bills are when presented to Parliament in terms of how well we can understand the underlying statute that is being amended. We also can refer to budget bills that do not come anywhere close to meeting OECD transparency guidelines.

In this immediate context, my main point is to draw attention to one problem we have with a very procedural dimension of accountability in this Parliament, which is not alone in the way we deal with legislation.

● (1555)

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, I quite liked the speech by my colleague from Toronto—Danforth, especially the last part, since the first part had to do with the technical aspects. We understand one another because have studied this matter at length. I was especially glad to hear him share his concerns over how democratic this process is. I do not want to issue a challenge to my colleagues, but this bill is not an easy read. I know what my colleague means when he says that it might be a good idea for the department or the minister, when he introduces this type of bill, to provide explanatory notes that are more complete than those that are usually included.

I would like to share something Senator Dallaire said during the review of Bill S-9 in the Senate. The hon. member will be able to make additional comments, because Senator Dallaire shared the same view:

> I wish to concisely come back to the point of all these different bills coming at us. [We reviewed Bill S-7 this morning and now we are looking at Bill S-9.] We are covering the bases that are presented to us, but there is no feeling, even within reading the report, the 2010 report, of what the delta of gaps are in the security with regard to terrorism or anti-terrorism. It seems to me that it is fine to go through and do our legislative duty; however, without that framework, it seems to me that, as a committee, we are a bit ill-equipped to get a warm, fuzzy feeling that we are going down the road that we feel maybe should be done expeditiously enough by the department or by the ministries with regard to anti-terrorism.

It makes me shudder to read such quotes from people who have spent hours and hours studying the bill. I would like my colleague to say a few words about this.

● (1600)

[*English*]

Mr. Craig Scott: Mr. Speaker, the points are extremely well put. I had not been aware of that passage from Senator Dallaire.

In general, my point, and the point Senator Dallaire made in some frustration and that the member echoed, is that there is a certain kind of almost archaic tradition that governs many affairs in the House, but some things are not traditions that we need to keep. They are long past their usefulness in ages when we had less complex bills. For example, with respect to treaties, the fact is, and this may be an erroneous statistic, something in the region of 50% of statutes have some connection to an underlying international instrument or treaty. Therefore, the complexity we are dealing with is not just amending Canadian laws but also looking at background treaties and we do not get any kind of guidance that allows us to do our job. We spend too much time actually getting up to speed as opposed to engaging in the critical task that we should be as legislators.

Therefore, the point from Senator Dallaire about the 2010 report not leaving him all that much wiser is another instance of how parliamentarians can be frustrated by not having enough basis on which to make a decision. I would refer to an intervention from my colleague from the Liberal Party earlier in the debate on Bill S-7 when he made almost the same point with respect to parliamentarians' knowledge around terrorism and its incidence and whether we actually did not need a specific process in Parliament for a certain number of parliamentarians to be informed in ways that none of us were at the moment.

[*Translation*]

Ms. Paulina Ayala (Honoré-Mercier, NDP): Mr. Speaker, there is something that worries me. I remember, in the past, in my experiences in Chile—those were difficult years—that someone could be imprisoned just because he was suspected of something. And that is how the story started.

Here, if I understand correctly, someone can be arrested because he is suspected of something. There is a danger here for the country. There is no proper trial. There is not really any evidence behind it all, and the person is only suspected of something.

Moreover, a judge may think that someone should enter into an agreement. If the person does not agree and does not comply with the agreement, he or she can be put in jail. This brings back bad memories of things that happened in my life.

There is a lack of respect for fundamental rights. I would appreciate it if my colleague would go a little deeper into this issue.

● (1605)

[*English*]

Mr. Craig Scott: Mr. Speaker, I regret I will not be able to add a lot to the excellent answers given earlier today by my colleague from Gatineau, because that deals mostly with Bill S-7, but the member is correct to ask the question simply because the government is presenting the two bills as a package.

The reason we are very concerned about these provisions dealing with recognizance and potential detention, if one actually refused to accept the conditions or breaches the conditions, is precisely that the standard is much lower than it would be for any other kind of process in terms of criminal prosecution. The basic concern is that it is a much lower threshold. I do not have the historical experience the member has drawn on in the case of Chile to know how easily in some countries and some times and some contexts a system like this could be abused.

Regretfully in the Chilean context, at least for a large part, probably no system at all was needed for the abuse to occur because there was no rule of law respected. What we would experience here would be a kind of slippage. The concern would be that this kind of provision would be used in a way that slowly would become wider and wider than anyone thought it should be from the beginning.

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, I asked the parliamentary secretary a question a little earlier, and her answer surprised me. She said that it took five years for the government to introduce Bill S-9 and that it did not need Bill S-7 in order to comply with the international treaties that it had signed.

I would like to hear from my colleague about this. How does he explain this time frame, when we are being told here that the bill is so necessary and so important it must be passed quickly? This is certainly something that we are going to hear on a regular basis from witnesses suggested by the Conservative members.

[*English*]

Mr. Craig Scott: Mr. Speaker, I cannot say anything other than it remains a bit of a mystery. The member's fundamental point is correct. We do not need Bill S-7. The government is choosing to bring them together, but we do not need Bill S-7 to bring forward Bill S-9. Bill S-9 is indeed extremely important, but it is also quite technical and it is not facing any resistance in the House. It would not have faced any resistance in a minority government.

The best I can imagine is that Canada has been reminded of the fact that its ratifications are outstanding for these two instruments and that it had better get its house in order. The Prime Minister had to make a recommitment to ratifying the instruments recently in Korea and somewhere along the line the system clicked into gear, even though that should have happened four to five years ago.

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Mr. Speaker, the previous member seemed to imply that he might have been delivering a cranky protest, However, if that is the case, I would urge him to protest crankily more often because it was a very erudite speech. It informed the House on so many aspects of what is an important bill, despite its dry nature.

I knew this, but I was quite interested to hear it repeated in the House by the hon. member who spoke before me, that something so fundamental as an offence against making a nuclear device was left out of the bill. It really shakes our confidence when something so fundamental that should almost be central to a piece of legislation like this is actually left out of the bill. I commend the Senate on catching that omission. I assume that if the bill had been brought to the House before the Senate, we would have caught it as well and if we had not, that the Senate would have been as good at catching it later on instead of at the very start.

I also take the point of my hon. colleague that it would help if legislation as complex and technical as this were accompanied by some notes that would allow us to clearly link its provisions to important international treaties that attempted to bring the world together in common action on such an important issue as nuclear terrorism.

In regard to that point, this is a general problem that we have in the House. We have heard how it is very hard for parliamentarians to truly understand the spending plans of the government because the documentation is not available. In fact when the Parliamentary Budget Officer attempts to add clarity to the government's spending plans, he meets a brick wall that is put up by the government. I do not think in this case the intent was to somehow make the issue opaque, it just was not something the people preparing the communications materials or the bill itself thought of doing. This is something we have to do in the future.

The reason it is important to link the bill clearly with our international instruments designed to prevent the threat of nuclear terrorism is that it is very important for Canadians to understand there are legal solutions to some of these fierce international problems that face the world and that we hear discussed on the news every night. For example, many Canadians are probably not aware that the United Nations is active on these kinds of issues, creating a legal framework for co-operation within which international legal action can be taken to dissuade, say, rogue states from pursuing very threatening and destructive agendas.

As an aside, I would like to draw attention to an article that my colleague, the member for Mount Royal, published in the *Montreal Gazette* not long ago on the subject of Iran's behaviour on the international stage. The headline was, “We have juridical remedies to halt Iran's genocidal threat”. He talks about Iran's nuclear program. What he is saying is that certain actions like recalling our diplomats are important symbolic actions, but at the end of the day all we have to hang our hat on really is law, not only domestic law but international law. He suggests a number of ways whereby Iran could be coaxed into better behaviour. These ways involve going to the Security Council and asking it to make complaints to the International Criminal Court and so on.

● (1610)

I would draw attention to the point raised by the previous speaker, which is that we have had seven years, to ratify the International Convention on the Suppression of Acts of Nuclear Terrorism and the amendment to the Convention on the Physical Protection of Nuclear Material. However, the law and order government is a government that acts tough on the international stage and takes all kinds of symbolic actions but seems to be leaving behind the maybe less interesting, less headline making actions that need to be undertaken by any country that really wants to call itself a citizen of the world and call itself an important player at the United Nations.

Maybe the government does not really want to be as active at the United Nations as it could be. Maybe it does not necessarily want Canada to take the multilateral route as often we used to. Nevertheless, it is an important route to take.

As I say, Canadians are sitting at home, we are sitting here in this Parliament and we are not aware of the options that are available to combat nuclear terrorism because we are unaware of the fact that these treaties exist. In fact, there are four UN resolutions and international treaties relating to nuclear terrorism that I believe deserve some mentioning here.

First, we have the United Nations Security Council resolution 1373, which, I believe, was adopted in 2001. That requires member states to adopt certain anti-terrorism legislation and policies, including those to prevent and repress the financing of terrorist acts; freeze the financial resources available to terrorist organizations; suppress the supply of weapons to terrorist organizations; as well as deny safe haven to the those who finance, plan, support or commit terrorist acts. It also calls on member states to become party to and fully implement the relevant international conventions and protocols related to terrorism as soon as possible.

That resolution was passed in 2001. I am pleased to say that the Anti-terrorism Act of 2001 was essentially a response to that United Nations Security Council resolution. The government of the day did take that resolution seriously and started to move in the direction of what that resolution called upon national governments to do.

A second resolution adopted in 2004 is another one worth mentioning. It is the United Nations Security Council resolution 1540, which focused specifically on non-proliferation of weapons of mass destruction. It asked member states to take steps to prohibit non-state actors from acquiring nuclear weapons and to put in place additional controls on nuclear materials.

Resolution 1540 also asked member states to: (a) adopt and enforce effective domestic controls to prevent the proliferation of nuclear chemical and biological weapons; (b) adopt legislation to prevent the acquisition, use, or threat of use of nuclear weapons by state or non-state actors; (c) to extend such criminal legislation to apply to citizens extraterritorially, which is one of the features of Bill S-9; and (d) include internal waters, territorial waters and airspace in the territory from which nuclear weapons are prohibited.

This is very important because we know that we are vulnerable. Our ports are vulnerable to the threat of nuclear terrorism. I know that since 9/11 the government has worked with port authorities, local police forces and other authorities to make it, hopefully, impossible for a nuclear terrorist attack to occur in a port, and Canadians should feel somewhat reassured by that.

● (1615)

That is another important issue that we obviously need to be vigilant about.

A third instrument and one that was mentioned before is the International Convention for the Suppression of Acts of Nuclear Terrorism, ICSANT, adopted in 2005. This was the first international convention related to terrorism open for signature after 9/11. It builds on both the Convention on the Physical Protection of Nuclear Material and the International Convention for the Suppression of Terrorist Bombing.

ICSANT is comprehensive and contains detailed language on what particular aspects of nuclear terrorism should be criminalized. ICSANT is the inspiration for the bulk of this bill, Bill S-9. Several ICSANT articles are codified in Bill S-9, such as article 2 which outlines new offences created in section 82 of the bill, article 4 which exempts the acts of armed forces during conflicts, article 5 which provides that the offences in the treaty be appropriately punished given the grave nature of these offences, and article 9 which allows states to establish extraterritorial jurisdiction in order to prosecute nuclear terrorism.

Finally, we have the amendment to the Convention on the Physical Protection of Nuclear Material which was also adopted in 2005 and came out of a diplomatic conference convened in July 2005, three months after ICSANT opened for signature. The convention was signed in Vienna, Austria in March 1980. It is the only legally binding undertaking in the area of the physical protection of nuclear material and establishes measures related to the prevention, detection and punishment of offences relating to nuclear material.

The meeting in 2005 was meant to update and strengthen the convention's provisions. Obviously Bill S-9 is helping to bring Canada into line with the convention so that we can ratify it.

It is a very technical bill and I know there will be many important technical points raised at committee. We hope that the government understands that it is complicated and that parliamentarians are grappling with it, including Senator Dallaire, an eminent Canadian who has written many books, who knows a few things about international law and who has trouble in many ways wrapping his great mind around this bill.

We hope that the officials in the department who drafted the bill will see to it that committee members are well briefed and that officials appear for a lengthy period of time to explain the bill and answer questions that we might have.

● (1620)

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, I am still trying to get answers to my questions and up until now, I am not sure the answers have been given. I am curious to find out what the Liberals think of the fact that it took five years. When we put the question to the parliamentary secretary, she said it was because at that time the government was in a minority situation. In terms of Bill S-9, I have not seen any opposition to it and I did not see any opposition in previous years either, except that it does not seem that any bills were introduced then either.

I wonder what my hon. Liberal colleague thinks about this. In his view, why did the Conservatives take so long to introduce Bill S-9?

Mr. Francis Scarpaleggia: Mr. Speaker, it is perhaps because, in those days, the government was more concerned about generating vote-winning headlines. In addition, this is a very technical bill that will not make headlines, despite the fact that it is very important. It is ironic, because we know the government really likes to talk about its law and order agenda. But when it is time to take real action, which is not as interesting in terms of political communications, it puts off taking action for too long and at some point it really must act. This is not a bill that is going to make headlines. This is a government that is very concerned about political communications.

[*English*]

Mr. Craig Scott (Toronto—Danforth, NDP): Mr. Speaker, I would like to return to a question I asked earlier when we started the debate on Bill S-7. The hon. member made a very interesting suggestion about the need for a parliamentary committee that would have access to more information on the state of threats, specifically terrorist threats, to the country. I could well assume that would include elements related to Bill S-9 as well, with specific focus on the state of protection of nuclear facilities, radioactive material and so on.

I wonder if the member sees that connection and whether he could elaborate or offer some thoughts on how such a committee could actually assist, at least the understanding of Parliament, on the whole question of nuclear terrorism.

● (1625)

Mr. Francis Scarpaleggia: Mr. Speaker, totally there is a connection because this is obviously a domestic piece of legislation. It is inward-looking. It is about adapting our legislative framework to our obligations under international treaties. However, in order for Canada to help combat nuclear terrorism, we need to work with our allies. We need to share information. For example, we are a party to the global initiative to combat nuclear terrorism which emphasizes the importance of member states assisting other states to meet their commitments and so on.

We might like to know, in an in camera session of a special committee, how the government is working with other nations. We would also like to get some information on how it is helping other nations and ourselves implement the provisions and the goals of these treaties. Obviously, this information would be very sensitive so we would need some kind of committee where members would be under oath and where information could be shared with confidence that it would not compromise national security.

[*Translation*]

Ms. Francine Raynault (Joliette, NDP): Mr. Speaker, I would like to thank my colleague for his speech.

In his view, how is the government going to deal with the potential problems stemming from the fact that the new Criminal Code offences have a broader scope than those found in individual international agreements?

Mr. Francis Scarpaleggia: Mr. Speaker, I believe that the member for Toronto—Danforth talked about it in his speech.

It may not be intentional; perhaps it is a drafting error. For that reason, the bill will go to committee, where the experts will tell us if better alignment is needed to ensure that the bill's measures do not go too far in either direction. It can go either way. These important questions must be raised. This could be the issue in committee.

[*English*]

Mr. Craig Scott: Mr. Speaker, I rise a second time because my hon. colleague said that he was rather shocked by the omission of making a device from the bill that went to the Senate. In light of the fact that he has had more legislative experience than I have, I wonder if he has had other experiences to know what it is about the legislative drafting process or the decision-making process that could account for that, especially the fact that the government does not seem to have even mentioned it in its presentation.

What should parliamentarians take away from this experience to this point when we cannot even get a direct answer from across the aisle?

Mr. Francis Scarpaleggia: Mr. Speaker, I think it has to do with where the political part of the government puts its emphasis. If the government is interested in legislation that has media appeal, it will ask its public servants to spend more time on that legislation. On the other hand, if it has to produce very technical legislation that will not really create much of a bang but which is required in order for us to meet our international commitments, it may send a message, unwittingly perhaps, to public servants that this is something to get rid of rather quickly because we want to get back to the business of introducing big headline legislation. It could be that this was not made a priority within the bureaucracy because the political leadership communicated the message to the public servants that it was not a big deal.

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, what my colleague from Lac-Saint-Louis had to say was very interesting. I would like to ask him a question about a statement by Senator Dallaire, for whom I have a great deal of admiration. On the subject of Bill S-9, the senator said:

> ...this legislation does not necessarily give us the warm fuzzy feeling that, with regard to the movement of nuclear-related devices, material or their ability to enter this country, we have covered all the gaps in any of the areas where some of this stuff might be able to sneak in under the radar.

Does the member agree with Senator Dallaire?

● (1630)

Mr. Francis Scarpaleggia: Mr. Speaker, if I have understood correctly, Senator Dallaire is saying that it is well and good to have laws and legislative provisions that prohibit this or that, but that the resources must be provided, either by the Department of National Defence or by the Canada Border Services Agency. The resources must be on the ground in order to intercept the movement of dangerous devices and materials.

It is one thing to have laws. But in order for them to be effective, they must be accompanied by the necessary resources. We cannot sit on our laurels once the law is passed and forget about it.

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, I feel fortunate because it is now my turn. I am tempted to pick up where the previous speakers left, namely the members for Toronto—Danforth and for Lac-Saint-Louis. The latter told the former that he should resort to political rants. I almost feel like doing just that because I see a problem. It is not the first time, because several justice bills are brought forward. You are aware of that because at one point you were our justice critic. Now, we are faced with the same scenario. A parliamentary secretary introduces a bill and then we hear nothing more from the government side.

We lack information regarding bills. Indeed, the bill is all we have. Again, all hon. members should read it, because it is fascinating. For some, this may be a relaxing exercise that will help them get to sleep, given how dry the document is. This legislation is not easy reading stuff. It is not what the member for Lac-Saint-Louis called a bill that is introduced following a big news story. It is not always easy to understand.

If these stages are followed in the House—and you know that Mr. Speaker, because you have been here a long time, probably longer than many of us—it is because they are all important. There is the first reading stage, when the minister introduces his bill. That is usually done quickly. This is followed by the second reading, which begins with a speech in which the government must explain its intentions. We ask some questions, but we do not always get answers. Then it is over, because there is nothing but silence from the other side, when we could already have an idea of where the government is headed with its legislation, what it is contemplating and whether it has considered all the issues. As the member for Toronto—Danforth pointed out, when listening to the parliamentary secretary, we got the impression that, maybe, something had been omitted. I am not imputing motives to her, but it is as though the government does not realize that it has been amended in the Senate. A rather important substantive amendment was made, but the government has not said much about it.

When we asked why it took the Conservative government so long to introduce Bill S-9, which does not present any problem—and we asked that question a number of times—we were told that it was part of our international commitments. And to quote the member for Toronto—Danforth, it may not even go far enough. We will see at committee stage. I am not sure I share this opinion. In any case we will see in committee, "but why five years"? Is it because, as the member for Lac-Saint-Louis suggested, the government thinks this legislation is not sexy enough—if I may use that expression—because it does not make headlines, because it will not be mentioned on the 11 p.m. news bulletin? I agree, but these are extremely important measures which seriously affect people's safety, and that is again the case here.

What is Bill S-9? This legislation was introduced in the Senate on March 27, 2012. If hon. members listened to my speech this morning on Bill S-7—at the beginning of the debate at second reading—they know that I am absolutely, and always will be, opposed to the introduction of a bill in the Senate first. In this House, we have elected members who represent the population. If a government wants to propose measures, it should introduce them in the House first. I realize that, sometimes, it may be practical because it seems that the other place has time to conduct studies. However, since we will have to do those studies in any case, I have a serious problem with that. Is that problem serious enough to prevent me from supporting the bill? It has to do more with the form. I am making a substantive criticism of the form, but Bill S-9 must fundamentally be approved by this House so that it can at least be referred to a committee.

We have various concerns regarding Bill S-9. The member for Toronto—Danforth presented a number of those concerns but I want to go back to some of them.

● (1635)

Bill S-9 amends the Criminal Code to implement the criminal law requirements contained in two international treaties to combat terrorism, namely the Convention on the Physical Protection of Nuclear Material, the CPPNM, which was amended in 2005, and the International Convention for the Suppression of Acts of Nuclear Terrorism, the ICSANT, signed in 2005.

As one can see, that is not necessarily an easy process. That is basically what the bill does. It simply allows us to join these treaties.

The bill on nuclear terrorism includes 10 clauses that create four new offences under part II of the Criminal Code.

It will make it illegal to: possess, use or dispose of nuclear or radioactive material or a nuclear or radioactive device, or commit an act against a nuclear facility or its operations, with the intent to cause death, serious bodily harm or substantial damage to property or the environment; use or alter nuclear or radioactive material or a nuclear or radioactive device, or commit an act against a nuclear facility or its operation, with the intent to compel a person, government or international organization to do or refrain from doing anything; commit an indictable offence under federal law for the purpose of obtaining nuclear or radioactive material, a nuclear or radioactive device, or access or control of a nuclear facility; and threaten to commit any of the other three offences.

The bill seeks to introduce into the Criminal Code other amendments that are incidental to these four offences, but are nonetheless significant.

The bill also introduces definitions of certain terms used in the description of the new offences including, as the parliamentary secretary indicated, a definition of "environment," "nuclear facility," "nuclear material," "radioactive material and device," and the amendment to the definition of "terrorist activity."

It will not be easy. The committee that will examine this bill will have to carry out several studies in order for everybody to properly understand the scope of the amendments being introduced.

The bill would also introduce a new section in the Criminal Code in order to ensure that individuals who commit or attempt to commit one of these offences while abroad can be prosecuted in Canada.

I am sure that members of the House have already heard about the concept of double jeopardy, which means being accused a second time for a crime for which the individual has already been found guilty or innocent.

A clause has been added under which it would be impossible to prevent the Canadian government from filing an indictment against a person found guilty abroad when that person is on Canadian soil.

The bill has a number of implications that will certainly need to be reviewed in committee.

The bill also amends the provisions in the Criminal Code—and this too is extremely important—concerning wiretapping so that it applies to the new offences. The bill will also amend the Criminal Code in order that the four new offences be considered primary designated offences for the purposes of DNA warrants and collection orders. It would also modify the Canadian rule concerning double jeopardy, as I stated earlier.

I should add, as background, so that people understand—because it is not always clear—that the bill meets Canada's international obligations under the Convention on the Physical Protection of Nuclear Material and the International Convention on the Suppression of Acts of Nuclear Terrorism. In my opinion, this is the cornerstone of the bill.

Concerns have been raised, but before speaking about this, it is important to remind members that Canada has not ratified either the CPPNM or the amended version of the ICSANT. This is explained by the fact that no legislation is in place criminalizing the offences contained in the CPPNM or those presented in the amended version of the ICSANT.

Canada will not be a party to the international treaties until Bill S-9 has been adopted. I think that this is extremely important. This is probably why all the parties in the House will support Bill S-9 so that it can be sent to committee as quickly as possible.

● (1640)

Here are some concerns raised during the review of the bill by the Senate committee. First, there was the issue of excessive scope. The intention of the Department of Justice was to adhere as closely as possible to the convention's provisions. The member for Toronto—Danforth made the point very well. Some of the new Criminal Code offences are even broader in scope than the offences included in the international agreements. Therefore, we will have to ensure that the excessive scope of these new clauses is not going to trigger undue criminalization and does not violate the Canadian Charter of Rights and Freedoms.

There is also the issue of sentences. I was very pleased to see, at last, the Conservatives introduce a bill that does not include minimum sentences. This means we can take a serious look at their legislation without having a problem from the outset, even when we agree with all the rest. However, the maximum sentences that may be imposed for one of the four new offences are heavy. Three of the four offences may result in a maximum penalty of life imprisonment. This meets the requirements of the ICSANT and of the CPPNM, which provide that member countries must impose sentences in line with the serious nature of these offences.

The Senate brought an amendment regarding the development of a nuclear or radioactive device, which is prohibited by the ICSANT, but which was not in the original proposed amendments to the Criminal Code. I am very pleased that the Senate amended this part of the bill and that the amendment was unanimously adopted. It was an oversight. However, because of this kind of oversight, when I see that a bill—which has gone through so many stages at the justice department, through so many supposedly experts and which was approved by the minister before being introduced—contains such a glaring error, I worry about other oversights in this legislation. It is the lawyer in me that always makes me worry about that.

It goes without saying that we will take a close look at this bill in committee. We are not going to give the Conservatives a blank cheque because if they made such a serious mistake, they may have made other ones. We will see about that during the committee stage of Bill S-9.

It is important to understand some facts and numbers. The term "nuclear" usually sounds scary to people. Between 1993 and 2011, the International Atomic Energy Agency identified close to 2,000 incidents related to the use, transportation and unauthorized possession of nuclear and radioactive material. That information was provided by the director general, Non-Proliferation and Security Threat Reduction, at Foreign Affairs and International Trade Canada.

Canada ratified the CPPNM in 1980. That convention promotes the development of measures related to prevention, detection and the imposition of penalties for crimes related to nuclear material. The CPPNM was adopted under the auspices of the International Atomic Energy Agency, the IAEA. There are many acronyms here.

The message I want to share with the House is this: we believe that we need to take a serious look at nuclear safety and that we need to meet our international obligations in order to co-operate better with other countries as regards strategies used to fight nuclear terrorism. There is no question about that.

I used to ask, again and again, why we were talking about five years. But I get the impression the Prime Minister really felt some pressure during his recent trips abroad: action was needed because relatively few countries have ratified the treaties.

In that context, since Canada usually enjoys a rather enviable reputation worldwide, if we can finally meet our international treaty obligations and pass a bill that makes sense, it may encourage other countries to do the same. At least, I hope it will.

● (1645)

Finally, we fully intend to foster multilateral diplomacy and international co-operation, obviously, especially in areas where we share common concerns, including nuclear terrorism. We must work with the leading countries that are in the process of ratifying these treaties. Since we have agreed to be legally bound by the treaties, it is important that we fulfill our international obligations. We cannot officially ratify the treaties until we have implemented national legislation. As we believe in co-operation and in the importance of this bill, we will support it at second reading so the committee can review it more thoroughly.

When it comes to nuclear issues, we have to be careful. Using less uranium would probably reduce risks. At committee, we will have a chance to bring forward some points about new technologies used to create isotopes. Members of the House will remember the isotope crisis. We have to be careful when we talk about burying nuclear waste. Will transporting nuclear waste be considered an act of terrorism? We also need to be careful when it comes to the methods used to bury nuclear waste.

Ms. Francine Raynault (Joliette, NDP): Mr. Speaker, I thank my colleague for her work.

Does she think that the government is capable of finding cases in which Bill S-9 goes beyond what is required by the amendment to ICSANT and CPPNM?

Ms. Françoise Boivin: Mr. Speaker, that is a good question. I thank the member for Joliette, who has paid careful attention to the entire debate, which started this afternoon.

I do not know whether the government is capable of finding cases in which Bill S-9 goes beyond what is required by the amendment to ICSANT and the CPPNM. The question was asked of the parliamentary secretary, but there was no answer. It would have been a good opportunity to tell us whether the government was capable of finding an answer.

Is it because there is no answer? Or rather that there is an answer but the government does not necessarily want to give us the information?

Earlier, members spoke of a lack of transparency, which after a while becomes a little irritating. Although we want to work co-operatively, it is sometimes extremely difficult to do so. We are never sure whether the unstated objective is simply to have us vote against legislation and then turn around and make ridiculous accusations afterward, or whether it is simply because the Conservatives themselves do not know.

A select few in the Prime Minister's Office, along with a number of ministers, have their lips tightly sealed. That is why we do not get any answers to our questions when we ask others, or even when we ask the people concerned.

I do not know whether they have answers to these questions, but we are certainly going to ask them again when the bill is referred to committee.

● (1650)

[*English*]

Mr. Craig Scott (Toronto—Danforth, NDP): Mr. Speaker, the hon. member for Gatineau, the justice critic for the official opposition, spoke extremely persuasively about the problem of Canada's reputation abroad and alluded to the fact that the government seems to have a different opinion of its reputation. I am just wondering if, along the lines of the rather acute analysis by the member of Parliament for Lac-Saint-Louis, if she could comment on what might be the impact on our reputation of the fact that we have taken so long to bring in domestic legislation to ratify a treaty that we could have ratified five, six, seven years ago.

That said, there may possibly be no problem with Canada's reputation abroad. After all, the Prime Minister just received the World Statesman of the Year award from an organization so important that he skipped speaking to the UN, even though he was in the same city. The award was presented by a famous humanitarian named Henry Kissinger. Surely, all is right with the government's reputation in the world.

I wonder if the member can sustain her point that Canada's reputation is suffering.

[*Translation*]

Ms. Françoise Boivin: As I said, we still have a good reputation. When we speak to people, when we travel, we find that people from other countries still hold Canadians in high regard. Is the same true of governments? That is something else entirely. I was speaking more about how the citizens, not the governments, of the countries in question see Canada. I am sure foreign governments must be somewhat surprised to see how Canada has changed its style.

Allow me to make an aside. On the weekend, people in my region were asking questions. It seems that the government is getting ready to change the name of a museum in Canada. They want to change the name of the Canadian Museum of Civilization and call it the Canadian History Museum.

Mr. Royal Galipeau: That is rubbish.

Ms. Françoise Boivin: I hope that it is rubbish, Mr. Speaker. However, it was a respected journalist who wrote an article on this, which caused a lot of concern among people.

I would like to comment on something, if I may. It is easy to see how panic can quickly set in. Why does this happen? I am not panicking, because I am waiting to see the facts. Panic sets in quickly because this government has set the tone through its previous actions.

At home, when we were young, my mother always said that she knew her daughter might have done such and such, because she knew us very well. For example, if a glass was broken, it might have been me because I was clumsy, but if it was something else, it was more likely someone else. We see the same thing happening with this government. In other words, we often wonder what there is underneath it all. The same is true on the international scene. When I was a child, before coming to the House, we talked about the blue berets and the great tradition of protecting people, of peacekeeping. Now, more often than not, the talk is about terrorism and they say we have to get tough on crime and change this or change that, and I could go on.

When we look at it all, we get the impression that things are changing at the government level. At least it has not yet reached the level of the public, but it will perhaps not take long for that to happen.

We must wonder, however, why it took so long to introduce this bill when we are being told how fundamental and necessary it is, and the reason why it was not introduced for so long while they had a minority government is not related in any way, shape or form to that fact.

That is hogwash, and those answers do not stand up. It always disturbs me, and that is why we are always suspicious when we consider bills like this. The government is never transparent with us and never gives us the straight goods. We have to keep scratching away until we uncover the facts.

● (1655)

[*English*]

Mr. Craig Scott: Mr. Speaker, everyone in this afternoon's debate has spoken of the need to treat this bill with some dispatch. Obviously, the government has put us in a situation where the bill probably needs to be treated with more dispatch than should have been necessary. This could have been done some time before. If the committee is going to treat this bill responsibly but also with dispatch, what requisite information would the member like government officials to come to the committee with so that we can do exactly that?

[*Translation*]

Ms. Françoise Boivin: I agree that this bill has to be passed relatively quickly. Although it is necessary—even long overdue—we cannot set aside our responsibility as legislators by rushing such a bill through. It is a fact that it should have been enacted several years ago. However, the fact that the Conservatives should have introduced it in the House a long time ago does not mean that the committee should have to rush through it. We are going to examine it diligently and intelligently, but no one is going to force me to skip over important testimony that needs to be heard.

Mr. Speaker, I am sending the government this message through you: for goodness' sake, when the witnesses appear, particularly witnesses from the department who have facts to convey to the committee, let us not play hide and seek, because that will take more time before we can complete our work in committee.

So I urge people to come in with the information. We want everyone to work together in the same direction. On the question of procedural stumbling blocks, it would be stupid to find ourselves five years later in the same kind of situation, just to prevent the speedy passage of this bill. We are going to do our work seriously.

Ms. Christine Moore (Abitibi—Témiscamingue, NDP): Mr. Speaker, I am happy to be able to speak about Bill S-9, the Nuclear Terrorism Act, which amends the Criminal Code. I would like to point out that this bill comes from the Senate.

The bill was introduced with a view to implementing the requirements of two international treaties signed by Canada, but not yet ratified. For a treaty to be ratified, the laws that apply to it must have come into force.

The purpose of these two international treaties is to combat nuclear terrorism. They are the amended 2005 version of the Convention on the Physical Protection of Nuclear Material, or the CPPNM, and the International Convention for the Suppression of Acts of Nuclear Terrorism, or ICSANT. Canada signed both of these treaties in 2005.

In Canada, there are several steps involved in signing an international treaty. To begin with, there are negotiations and the signing. Then comes ratification, which is the implementation stage, after which the treaty comes into force. For both treaties, we are still only at the signing stage.

Signing an international treaty is only the first step in the process. Signing means that a country is in principle in agreement with the terms of the treaty and that it intends to comply with them. After signing the treaty, Canada must avoid actions that are contrary to the purpose and intent of the treaty, but it is not officially bound by the treaty until it has been ratified. There is still a long way to go before these treaties come into force in Canada.

To be able to ratify these two treaties, Canada needs to amend some of its statutes. In practice, this means that we need to introduce legislation to criminalize the offences described in both treaties. That, moreover, is the purpose of this bill: to make the required amendments to the Criminal Code in order to be able to ratify the two treaties and move one step closer to having them come into force.

It is therefore important at the outset to ask what these two treaties would like to introduce.

The Convention on the Physical Protection of Nuclear Material, which was ratified by Canada in 1980, was at the time intended to develop measures designed to prevent, detect and punish crimes related to nuclear material. However, the field of application of the CPPNM was limited to "nuclear material used for peaceful purposes while in international nuclear transport". In 2005, amendments were made to cover nuclear material used for peaceful purposes while in domestic use, storage and transport as well as domestic nuclear facilities. The amendments also introduced changes to foster co-operation between states with respect to the development of measures to recover stolen or smuggled nuclear material, mitigation of the radiological impacts of sabotage and measures to fight crime related to nuclear material.

This amendment clearly affirms that the objective of the convention is to prevent and combat offences involving nuclear material and facilities throughout the world and to facilitate co-operation between states. Canada ratified the 1980 version, but has not yet done so for the 2005 version, which introduced the amendments I have just mentioned.

The purpose of the International Convention for the Suppression of Acts of Nuclear Terrorism was to provide for new criminal offences for acts of nuclear terrorism and to impose the obligation to "extradite or prosecute" in the event of acts of nuclear terrorism.

● (1700)

The bill that was introduced creates various clauses to implement the provisions contained in these two conventions. It is important to take a few moments to understand why I support this bill as a member of the NDP and why the NDP in general has chosen to support it.

We all agree that nuclear terrorism is a major threat to international security. It is one of the most significant threats in the world because the consequences—as we have already seen, unfortunately—can be devastating. Currently, we know that it does not take much to cause significant damage. People here in Canada and around the world are quite concerned about nuclear terrorism and are very concerned when they hear there is a possibility that some countries have nuclear programs. This is something that is very important to people not only on a national level—to Canadians—but also on an international level.

I also want to note that we are committed to diplomacy and international co-operation. Ratifying treaties to ensure the co-operation of countries when it comes to terrorism and nuclear terrorism seems like common sense to me. When it comes to such worrisome situations as this for security, we cannot bury our heads in the sand. We have no choice but to co-operate with every democratic body in order to obtain results and ensure the security of every citizen not only of our country, but of all countries.

There is one reason, among others, that I want to support this bill. In the NDP, we are proud of our international reputation, even though it has been tarnished a bit by the Conservative government many times over the past few years. Taking one step closer to ratifying these treaties shows that we have not forgotten our international commitments and would allow us to get back on the right track with regard to the image Canada wants to project on the world stage.

As several witnesses testified during consideration of the bill in the Senate, one of the main ways to prevent terrorists from getting their hands on radioactive material is to beef up nuclear security and, whenever possible, to limit military applications of radioactive materials. It is simple logic. By limiting the use of nuclear materials as much as possible, such materials will become more scarce and terrorists will have a much harder time stealing them and using them to harm our society. It is a first step. The military is increasingly moving away from nuclear weapons. This should spare us quite a few problems in the future.

I would like to highlight something that Matthew Bunn, Associate Professor of Public Policy at Harvard, told the Senate committee:

> At scores of sites around the world, dramatically improved nuclear security has been put in place, and, at scores of other sites, the weapons-usable nuclear material has been removed entirely, reducing the threat of nuclear theft at those sites to zero. More than 20 countries have eliminated all of the weapons-usable nuclear material on their soil. These successes represent, in a real sense, bombs that will never go off.

The five last words of that quote are worth repeating: "...bombs that will never go off." This goes to show that if we can limit or eliminate the use of such material, there will be fewer bombs hanging over our heads, and more bombs that will never go off.

● (1705)

To that end, Canada must take concrete steps to support nuclear safety throughout the world, and I think that this bill is a step in the right direction. Although it applies to Canada's laws, it is based on a worldwide effort.

Canada is only one of the countries that signed these treaties, and since this is an international effort to reach a common goal, it is important to ensure that every country does its part to reduce the risk to our fellow Canadians. This bill involves international co-operation among various entities.

In the past, Canada was known on the world stage as a country that values co-operation. We must continue to do our fair share and follow through on our international commitments. If Canada wants to once again play a leading role in diplomacy and international co-operation and if it wants to convince other countries to adopt a responsible approach to reducing the risk of terrorism and the theft of nuclear material and weapons, then we have to set an example and take responsible measures immediately.

Canada's ratification of these treaties will also encourage other countries to take measures to ratify the treaties and thereby help us to take one more step in improving global security.

I would like to digress for a moment. Although I am emphasizing the importance of adopting these measures, the fact remains that nuclear safety is a fairly complex issue. Everyone agrees on that. However, the desire to ratify and implement measures fairly quickly does not mean that we should avoid doing the work in committee. What is important here is taking the time to carefully examine the issues so that we only have to do the work once and so that we do not have to make changes later. Although there is a somewhat urgent need to act, we must take the time to do things right because the safety of our fellow Canadians is at stake. I would like to point out that the Conservatives have been in power for a long time and that they could have introduced this type of bill a long time ago.

As soon as it is ratified by Canada, the treaty will become the legal basis for Canada's collaboration with the other parties to the treaty in areas such as criminal investigations, mutual legal assistance and extradition. This will quite clearly strengthen international co-operation and contribute to the fight against the nuclear threat.

The bill must be seen as a way to give effect to the treaty provisions on an international scale. To that end, however, the committee will have to undertake an in-depth study of the bill and review its technical aspects.

The bill seeks to enact provisions related to those found in the two international treaties. The committee will have the opportunity to go through every clause to make sure the bill achieves its goal, which is to ratify these two treaties signed in 2005.

As I mentioned earlier, we have to understand that several aspects of the issue of nuclear security are highly technical. The committee will need to take the time to study the issue in depth to make sure the bill includes all the necessary provisions and that it goes far enough without going too far. We have to act in a non-partisan fashion to protect the security of our fellow Canadians as well as international security.

● (1710)

Considering the number of Canadian travellers who like to gallivant around the world, even if a nuclear bomb were used by terrorists outside of our borders, this could have a serious impact on Canadians abroad. It is therefore important to create a bill that we can be proud of and can serve as an example to other countries that have not yet ratified the two separate conventions, in terms of what they can do to move forward on nuclear safety.

Quite apart from the technical details of the bill that will be thoroughly examined in committee, I would remind the House that it is extremely important to go ahead with the ratification of these treaties in order to support efforts to ensure global nuclear safety.

Between 2010 and 2012, Canada and several other nations taking part in the nuclear summit agreed to ratify these two conventions. Furthermore, at the 2012 summit in Seoul, participating states agreed to enforce the CPPNM amendments made in 2005 in time for the 2014 summit.

However, for that to happen, two-thirds of the 145 participating states must ratify the treaty. So far, only 56 have done so, when at least 97 ratifications are needed. If Canada were to ratify the treaty, this would be another positive step towards international implementation of this amendment to the convention.

This represents another step forward for the entire population towards enhanced nuclear safety in our country, as well as around the globe.

● (1715)

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, I thank the member for Abitibi—Témiscamingue, who gave an excellent speech on a bill that is not a very easy read. I mentioned that a number of times in my own speech.

I asked the same question of the Liberal member earlier, and I would like to hear what my NDP colleague has to say. During the Senate committee's examination of the bill, Senator Dallaire said:

> I wish to concisely come back to the point of all these different bills coming at us. We are covering the bases that are presented to us, but there is no feeling, even within reading the report, the 2010 report, of what the delta of gaps are in the security with regard to terrorism or anti-terrorism. It seems to me that it is fine to go through and do our legislative duty; however, without that framework, it seems to me that, as a committee, we are a bit ill- equipped to get a warm, fuzzy feeling that we are going down the road that we feel maybe should be done expeditiously enough by the department or by the ministries with regard to anti-terrorism.

My colleague works very hard on the national defence files, and I would like to know if she agrees with Senator Dallaire.

Ms. Christine Moore: Mr. Speaker, to know whether a bill will truly promote nuclear safety, we must know the dangers and risks. As the senator pointed out, when we do not know these dangers and risks, it is difficult to know whether we are truly preventing these nuclear materials from being used for terrorism.

There are two different contexts. We want to prevent terrorists from potentially using these materials, but the bill must also allow reasonable access to nuclear materials that will be used for medical purposes, for example.

In terms of nuclear safety, we must be able to balance these two things. If we are truly not aware of the dangers and gaps in the current system, it is really difficult to know whether we are eliminating these dangers.

Ms. Françoise Boivin: Mr. Speaker, I will continue this dialogue.

I would be tempted to ask my colleague the same question I already asked many other members today, regarding how long it took to introduce Bill S-9. We regularly see Conservative members put on a big show when it comes to terrorism, heavy-handed military measures, and so on.

The fact is, we are not against this bill, and neither are the Liberals, I believe. Why did it take five years, once the treaties were signed, to introduce Bill S-9 in the House?

Ms. Christine Moore: Mr. Speaker, I thank my colleague for her question.

I, too, was surprised that it took five years for this bill to be introduced in the House of Commons. Nuclear safety is such an important issue that I cannot understand why it has not been discussed earlier. It is my understanding that just about all my colleagues in the House of Commons intend to support this bill. I do not understand, however, why it has taken five years. Clearly, this was not a controversial bill. It has to do with the safety of the Canadians we represent. Yet, for me, it is a little incomprehensible.

When the decision was made to introduce this bill, it opened the door to an analysis of current security threats. This is another very interesting aspect for discussion. Is there currently any danger in Canada? For example, should our military get more training on how to respond to the possibility of a nuclear threat? This bill will give rise to a whole host of questions.

It really surprises me that it has taken five years. I do not suppose that members were waiting for my arrival in the House of Commons, but I still find it passing strange.

● (1720)

Ms. Paulina Ayala (Honoré-Mercier, NDP): Mr. Speaker, I know that my colleague has a lot of experience concerning the armed forces; I, myself, do not have much.

I would like to know what improvements she would make to this bill. I know—and we hope—that it will be referred to committee for amendment. I would like to hear what my colleague has to say about this.

Ms. Christine Moore: Mr. Speaker, I do not know if this is an amendment per se to the bill, but if the intention is to enhance nuclear safety, it might be useful to ask whether our responders are adequately trained to respond when there are threats to nuclear safety.

As a military officer, I received basic training on how to respond to a nuclear threat, but it was only basic training.

It is worth raising the issue even though it would not result in an amendment per se. Perhaps the adoption of this bill, or discussion thereof in committee, will give rise to questions, such as whether our military personnel, police forces and others are sufficiently trained to respond when nuclear material has been stolen or tampered with. Canada is a big country, and if we only have one specialized team, a response on the ground may take some time.

Should we, therefore, be giving more training to our police officers, firefighters, and other front line responders, including medical staff?

I am an intensive care emergency room nurse, and in my hospital, nurses have no training whatsoever to treat patients who have been exposed to nuclear material. Perhaps rapid intervention by qualified medical staff who are trained to know what to do would be more appropriate.

That is a matter that should be raised in committee. I would really like to have the opportunity to discuss it. That is why the committee has to take as much time as it needs to study this bill.

Ms. Francine Raynault (Joliette, NDP): Mr. Speaker, I thank my colleague for her speech and all her work.

New Democrats are determined to promote multilateral diplomacy and international co-operation, especially in areas of common concern, such as nuclear terrorism.

Why must we work with the other countries that are in the process of ratifying these treaties?

Ms. Christine Moore: Mr. Speaker, when talking about international diplomacy, the example that comes to my mind concerns the use of nuclear materials by the military.

Often, when there is the possibility of a conflict between two armed forces, neither will preclude the use of these weapons as long as the other side does not. This requires diplomacy. There are discussions and one side will say that it is prepared to stop using these materials as long as the other side is also willing to do so. Through diplomacy, these people can stop resorting to these materials, or stop having them in their possession.

Diplomacy and co-operation among countries results in the measured reduction of available nuclear materials that can be stolen and possibly be made into bombs that will be used to threaten us.

Ms. Ève Péclet (La Pointe-de-l'Île, NDP): Mr. Speaker, I am very pleased to rise in the House today. We are dealing with a fairly difficult issue that concerns all Canadians and people throughout the entire world. As my colleague mentioned, this issue concerns everyone and is a worry for everyone. The NDP supports this bill. It is important that I start my speech by saying that we will work with the government.

However, I am wondering why it took the government five years to decide to talk about terrorism and nuclear weapons. And, why did this bill originate in the Senate? I do not wish to belittle the work of the senators who worked hard on this bill, but I do not understand why the government did not take the initiative to introduce it. Why, after years of discussion, did the Senate introduce this bill, when the government had numerous opportunities to do so?

Of course, the Conservative members will say that they were a minority government at the time, but that is no excuse since everyone was in favour of drafting and passing a bill to ratify two conventions—the Convention on the Physical Protection of Nuclear Material and the International Convention for the Suppression of Acts of Nuclear Terrorism.

I would like to ask the government the following questions. Why did it wait five years before debating this subject in the House? Why did it wait for the Senate to introduce such a bill? Why did the government not take the initiative? The government used nuclear issues and terrorism to its advantage whenever it pleased but, when it came to taking action, we had to wait five years for this topic to be discussed in the House.

To add insult to injury, today while we are examining this bill in the House, the Conservative members are not asking any questions and are not trying to debate this issue. They are letting the Senate do all the work and, when it is time to debate and to ask the government what it wants, the government just lets things happen and lets the opposition debate the issue alone. Who is going to answer my questions? I wonder. The government is once again refusing to debate bills designed to ensure the safety of Canadians.

We have seen this not only with regard to nuclear issues but also with regard to food safety. As we have seen over the past two weeks, food safety is not really a priority for the government.

I would now like to talk about Bill S-9 and give a little background information. In order for a convention to be ratified and apply in Canada, an implementation act must be passed. That is what Bill S-9 does. The NDP would never oppose the fact that Canada must respect its international obligations. The Convention on the Physical Protection of Nuclear Material has already been ratified, but no bill has been passed to implement it. The Conservatives have finally decided to implement the convention. It would great if the government would do the same for all of the conventions it has ratified, particularly the Convention on the Rights of the Child, which, I seem to recall, Canada did sign.

I would like to take this opportunity to reach out to the government and tell it that we in the NDP are determined to use multilateral diplomacy, to promote multilateralism and international co-operation, especially in areas that concern not only Canadians, but everyone on the planet.

● (1725)

Everyone, all nation states, are concerned about terrorism, which affects everyone around the globe. We all know how important this is. The NDP fully supports the criminal offences created by Bill S-9.

We need to work with other major countries that have begun a similar ratification process. For instance, in front of the UN General Assembly, the Minister of Foreign Affairs criticized the very organization that had invited him to speak, one that merely acts on the recommendations of its member states. Criticizing the UN is tantamount to criticizing the 191 member states, and our own allies. Why not use diplomacy and our influence instead?

I have a feeling that this government has forgotten that Canada has a great deal of influence on the international stage. Unfortunately, this influence has diminished considerably since the Conservatives came to power in 2006. As an extra little dig at my colleagues opposite, I would remind the House that Canada lost its seat on the UN Security Council for the first time.

This bill is a good opportunity for this government to realize the influence and the importance of the role it can play in the fight against terrorism and nuclear threats.

It is important to understand what the UN is. The minister does not seem to understand what it is for. The UN is a forum for discussion among states, to ensure that problems are resolved through dialogue whenever possible. The NDP does not think we should wait for a problem to arise before taking action, whether we are talking about terrorism, nuclear threat, criminal justice or food safety. We must prevent a problem, conflict, food safety crisis or crime. We must not take action after the fact.

That is why we have such an important role in diplomacy and at the UN. We must use our influence to ensure all the states ratify these two conventions, apply them and adopt them, as we will do in the coming weeks, when Bill S-9 is passed. These conventions must be implemented immediately and not after five years, as the Conservative government is doing. There is a problem now and we are talking about it now.

We can use the UN forum to ensure that all states benefit from Canada's policies. Instead of withdrawing from talks, why not step forward and offer our assistance? Why not use our influence to help other countries adopt the same kind of bill? Why not?

Canada has always supported multilateralism. It should make more of an effort in this regard. Even the United States, which had abandoned multilateralism under George Bush, has understood the mistake it made.

We cannot criticize the UN if member states refuse to take action on a given situation or are divided on how to respond to a crisis. The UN never had a mandate to make decisions on its own. The member states, including Canada, give it the mandate to take action in response to a given situation.

When the Minister of Foreign Affairs decides to criticize the UN and withdraw Canada from work that he called fruitless, he is giving up on improving any situation and preventing conflict, on improving how the UN works. This also jeopardizes the resolution of future conflicts, for example, in Syria.

● (1730)

The government must work together with the opposition today to create multilateral institutions and to create a strong Canada that can use its influence in the interest not only of every Canadian, but of every human being. We have to improve the current situation to resolve problems, to be proactive and not reactive.

To have a foreign policy that is worthy of Canada is to do things that show the entire world the values that we are defending today in the House. Through the policies we adopt and the speeches we make here, like the ones we are making this evening, we can show that Canada is a leader that defends the values of democracy, human rights, peace and justice.

That is why the NDP will vote in favour of this bill. Mostly, the NDP will be voting in favour of multilateral diplomacy and international co-operation, which might benefit everyone. We know that terrorism is of concern to everyone. For example, as my colleague was saying, we all know where we were on September 11. I remember where I was. It was my first week of high school. It was a defining moment for someone entering adolescence. I remember very clearly that all my classes were cancelled because something significant was happening.

Why has it taken so long to talk about this? I was 12 when that happened. Today, I sit in the House of Commons and I am asking the government: why did it take so long? Why did it wait for the Senate to introduce such a bill instead of taking the lead internationally, as it so often forgets to do? The government could have taken concrete action on a problem that all Canadians and all human beings on Earth are dealing with today.

The bill reinforces Canada's obligations under resolution 1540 of the UN Security Council that was adopted in 2004. Today, as far as I know, it is 2012. That is a big time span. The government can blame others; it can point fingers at the other side of the House, but it was the government's responsibility. It had a choice and it chose to wait for the Senate to introduce the bill.

What would have happened if the Senate had decided not to introduce Bill S-9? Would the government have acted? I would like to know. Would the government have waited another 10 or 20 years, or would it have waited for a major conflict before passing Bill C-9 and not Bill S-9? None of this diminishes the Senators' excellent work on the bill. I know they work very hard.

As I said, what we want is for Canada to abide by its international obligations. That is a principle that Canada has always advocated. However, since the Conservatives have been in power, we have veered more toward unilateralism and bilateralism and away from multilateralism. Why? Here again, the government could clarify the matter for us. But what does it decide to do? It rejects all debate and leaves the opposition to try to improve bills and work with the government to adopt good laws that protect the safety of Canadians.

It has to be said that, try as they might to generate political capital over the safety of Canadians, when the time comes to act, I really wonder where the Conservatives stand.

We have to take a serious look at the issue of nuclear security. We must use not just the UN, but also every other international institution and organization, to dialogue with other governments in order to prevent these kinds of acts from occurring. Terrorism is clearly a terrible thing. I did not mention it at the start of my speech, but our hearts go out to all the victims and families who have suffered the loss of a loved one. It is truly terrible to lose someone.

● (1735)

Every measure taken to protect people's lives is worth debating and presenting before this House. I would like to see some active participation on the government's part. As I said, I was 12 years old when it happened; now I am 23. We have been talking about combating terrorism for 11 years. Why have we waited all this time to implement treaties whose purpose is precisely to criminalize and eradicate terrorist acts?

It would be good for the government to lead the debate and to explain to us what it wants today. Unfortunately, it has not yet managed to pursue that course. We know the government is an ardent advocate of democracy around the world, except in Canada, of course. Everything is done very quickly; bills are passed very quickly. The New Democratic Party is asking that this bill be carefully studied in committee, that we take the necessary time and hear from witnesses so that we can pass a good bill that will criminalize acts of nuclear terrorism and obtain justice for the victims.

The New Democratic Party supports the victims of nuclear terrorism and asks the government to take the necessary time to properly discuss this bill, to study it so that we can say at last that we are taking measures to eradicate nuclear terrorism.

● (1740)

[*English*]

Mr. Craig Scott (Toronto—Danforth, NDP): Mr. Speaker, I thank the hon. member for such an impassioned speech, which led me to make some connections that I had not been making in preparing my own speech. By that I mean what we have to do with these treaties and this implementing act to protect nuclear materials, radioactive materials, nuclear facilities, and prevent radioactive devices from perhaps being made with some of that material that might be stolen or otherwise diverted.

However, the big piece that seems to be missing in how we think about prevention is that the reason we have so much radioactive nuclear material, and nuclear facilities making such material or contributing to it, includes the fact that nuclear weapons are still such a huge scourge in our world today, that we still have countries with stockpiles of nuclear weapons that could obliterate us hundreds of times over.

How would you ask us to think about the connection between the existence of nuclear weapons, the material that is needed to feed them and the preventive goals of these treaties?

The Acting Speaker (Mr. Bruce Stanton): I would just remind hon. members to direct their questions through the chair. The hon. member for La Pointe-de-l'Île.

[*Translation*]

Ms. Ève Péclet: Mr. Speaker, that is truly interesting. States definitely make frequent use of nuclear weapons during a cold war, which is a struggle for power between states. Nuclear weapons are used as a form of intimidation. We need to criminalize the possession, use and disposal of nuclear or radioactive devices and the commission of acts against a nuclear facility or the operation thereof, in order to make it illegal to use nuclear weapons as a form of intimidation. If acts like these are considered crimes and the conventions are enforced in all states, including those that possess nuclear weapons, the use of this form of coercion will be reduced. If these actions are criminalized, states will no longer be able to use nuclear weapons as a form of pressure or diplomacy. Enforcing these conventions would diminish the importance of these weapons and reduce cold wars between states.

[*English*]

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Speaker, the member opposite referred a number of times to the use of nuclear weapons. I want to ensure that Canadians know that Canada only uses nuclear technology for peaceful reasons.

Is the member opposite aware of the key role Canada has played in nuclear non-proliferation? She referred to the cold war. When Canada and the United States were reducing the number of missiles, the technology at Chalk River Laboratories near Deep River actually took the uranium from nuclear warheads from Russia and made it more valuable by turning it into a fuel. That is the sort of thing Canadians are doing to make the whole world safe.

● (1745)

[*Translation*]

Ms. Ève Péclet: Mr. Speaker, to begin with, yes, I am very much aware of the role Canada played. In my statement, I said that it was important not to forget the role that Canada had played. And it must continue to play that role because, unfortunately, under the Conservatives—I illustrated this clearly in my comments—there has been no dialogue or diplomacy with a view to non-proliferation of nuclear weapons, as my colleague, among others, mentioned.

The government has really done away with the possibilities that existed. For example, by criticizing the UN and withdrawing from multilateralism, it is doing away with all our former international influence.

I would just like to remind the government that it should not forget this influence and that it should use it to our advantage to protect not only Canadians, but all human beings on this planet.

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, I really appreciated the comments made by the Conservative member regarding Chalk River. I am from the region and so is she. In the Outaouais, the dumping of waste in the Ottawa River, sometimes in Chalk River, is always a source of concern. It is a constant reminder of how we need to be very careful with this material. What I really like about Chalk River and the work being done there is that they are always trying to find new technologies.

The hon. member is right to point out how Canada is a leader in technological development and works very hard to try to stay away from that material which, as everyone will agree, is dangerous. That is why we are trying to pass Bill S-9. I know that the member who just spoke talked at length about the fact that we have been waiting a long time for this bill and that if we want to comply with our treaties, we should have already passed it.

Is she sending to the committee the message that we should act more quickly, or should we still take the time to properly review this bill, notwithstanding this five year delay by the Conservatives?

Ms. Ève Péclet: Mr. Speaker, I may have seemed very passionate in my comments when I said it is important to work with the government to adopt Bill S-9. However, the fact remains that this is a highly technical issue that concerns everyone's security.

So yes, we should adopt this bill and we should try to do so quickly, but not without a debate or a review. That is why we are here today. The idea is to study and to work. This is a very sensitive issue. It is urgent to act, but we must never forget that a bill rammed through Parliament is never a good piece of legislation, because we forget things and leave gaps, as my colleague knows. It is important to work properly on a bill, particularly when it deals with an issue as important as nuclear terrorism. If we had discussed it earlier, there would not have been any problem, because we would have had ample time.

The Conservatives will probably tell us the situation is so urgent that we must adopt the bill now, without discussing it, but they should have assumed their responsibilities earlier and deal with it sooner.

Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP): Mr. Speaker, I thank my colleague from La Pointe-de-l'Île for her very enlightening speech. We know that she has a good handle on her files and the issues before us.

I would like to come back to a particular point she made a few times in her speech. I would like her to speak more about the message the government is sending Canadians by having the Senate introduce this bill. An unelected body is introducing this crucial bill. The member explained this.

What kind of message is the government sending by not having the House of Commons, the MPs, the elected body of this Parliament, introduce this bill? I would like her to comment a bit more on that.

● (1750)

Ms. Ève Péclet: Mr. Speaker, I was saying that several Senate bills have been introduced in the House of Commons. I do not wish to belittle the work of our senators, but I would like to know why the government is letting the Senate do the government's job. Is it because it values the opinion of unelected people more than the opinion of the people Canadians elected? Does it not value Canadians' opinions or is it just trying to score political points on certain important issues? When the time comes to take action, the government lets the Senate take the lead.

If the Senate had not introduced Bill S-9, would the government have moved on it? Would we have Bill C-9 instead of Bill S-9? I truly doubt it. I agree with my colleague. We are elected to work on behalf of Canadians, and the Senate should not be doing the work of elected members.

[*English*]

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, I was just going through my notes for a moment and I was trying to listen to the conversation at the same time and some of the back and forth on what was happening. In my eight years of being here a lot of the legislation comes from treaties, as signatories to significant treaties, whether from the United Nations, or the Council of Europe or the European Union. With these technical amendments, we find ourselves in line with all these treaties for all the right reasons.

Some of the colleagues pointed out that Bill S-9 came from the Senate. I will not dwell on that too much as to why this came from the Senate as opposed to the House of Commons. It has been somewhat of a pattern, but nonetheless it has been some time. This is a fallout from the 9/11 terrorism attacks in the United States. As a result, through international forum, we have come up with what we feel is a way to protect our societies from nuclear terrorism and also to look at how we can codify this within our specific legislation. That could be from each and every member state from the United Nations.

In our case, we find ourselves in a situation where we now have to codify what we set out to do. We are signatories as we signed the first treaty in 2007 and, as a result, we now have to codify this. We saw this recently with copyright legislation as well as other types of legislation. Following this could be things like human trafficking and the like.

In the meantime Bill S-9 is an act to amend the criminal code, or the nuclear terrorism act. Certainly in this situation, it is time for us to have a look at this and to debate it in full, which we are doing on this side of the House. We are looking at the new types of offences. If we look at how this is worded, in a big way we are now coming to terms with the situation that exists internationally. If we look at things like cybercrime in relation to this, the one common factor among all of this is we can no longer contain it to a particular boundary. We now find ourselves fighting crime not just within our country but throughout many countries, whether it is nuclear terrorism, cybercrime, human trafficking or impediments toward environmental disasters. These things are obviously a trend that we are now falling into and the genesis is from our international treaty, and rightly so.

This does not happen right away, as we now know. There were signatories from 2004, ratified in 2007 and here we are in 2012. We went through the same motions when we talked about copyright, but members will get the idea.

The purpose of the bill is stated as:

> An Act to amend the Criminal Code...is a 10-clause bill that introduces four new indictable offences into Part II of the Criminal Code,1 which deals with offences against public order. Adding these new offences, with respect to certain activities in relation to nuclear or radioactive material...nuclear facilities, makes it illegal to....

There are four points, which are outlined from the Library of Parliament, for which I would like to thank Jennifer Bird who works at legal and legislative affairs for doing this wonderful summary.

By amending part II, it would make it illegal to "...possess, use or dispose of nuclear or radioactive material or a nuclear or radioactive device, or commit an act against a nuclear facility or its operations, with the intent to cause death, serious bodily harm or substantial damage to property or the environment...". The key word there is "the environment", the first part of that.

The second offence would be to "...use or alter nuclear or radioactive material or a nuclear or radioactive device, or commit an act against a nuclear facility or its operation, with the intent to compel a person, government or international organization to do or refrain from doing anything...".

● (1755)

There is the exploitation matter. In this particular situation there would be certain cells or groups that would take advantage of nuclear facilities and use them against the state, in our case against Canada, or any other international jurisdiction. I will get to the international part of it in a moment because that is different as well. It goes beyond our boundaries when it speaks of indictable offences.

The third is to commit an indictable offence under federal law for the purpose of obtaining nuclear or radioactive material, or a nuclear or radioactive device.

Finally, the last offence is to threaten to commit any of the other three offences. The intent is what is measured there, the threat to do this that exists within society. As we know with this type of material, whether high-grade uranium or plutonium, if someone comes in contact with it or near it, it can be used as a major threat. Therefore, society has to assemble itself in response to that threat, which is incredibly costly and needless to say dangerous. Of course that part is obvious considering the fact that we are dealing with nuclear material.

Bill S-9 also amends the definition of "terrorist activity". This is found in section 83.01 of the Criminal Code. The revised definition ensures that the commission of the new offences introduced by the bill, as well as attempts to commit them and any conspiracies, counselling or acting as accessories after the fact in relation to them, constitute "terrorist activity". A lot of people might think that is a mundane thing to do, but terrorist activity could encapsulate many things across many boundaries, not just in nuclear technology but also when it comes to things like cybercrime and the environment.

My colleagues earlier were talking about how it took a while for this to get to the House and whether we fault a particular group or party in the House for wasting too much time on the issue, which we do a lot around here. It is time to look at this issue right now and debate it in full because it brings us to a new level when it comes to the Criminal Code.

To put it into context, certainly for the past 10 to 12 years we have had numerous conferences on how to deal with nuclear terrorism. In many cases we passed resolutions instrumental to developing new treaties. Some key resolutions and conventions are outlined throughout the United Nations and other international fora. Recently we discussed the last two major meetings of countries that talked about this: Washington, D.C., in 2010 and Seoul, South Korea in 2012.

As a result of all this and the work we have done dating from 2001, the United Nations developed, debated and voted on the United Nations Security Council resolution 1373. By doing that the members of the United Nations were to adopt certain anti-terrorism legislation and policies within 90 days in order to, among many other things, prevent and repress the financing of terrorist acts, criminalize the wilful collection of provision of funds to be used to carry out terrorist acts, prohibit the making available of funds, and suppress the recruitment of terrorist groups and the supply of weapons for these purposes.

The one theme going through all this is the international aspect, which is to say that the funding, the supplying of weapons and the people involved in terrorism are no longer contained within one country. We pretty much find ourselves around the world in order to address what must be done to assess the level of terrorism that is happening and the planning that must take place to stop the act before it actually gets off the ground.

That is the financing aspect. That is resolution 1373. It was very important in its day. On December 12, 2001, the Government of Canada reported to the United Nations Security Council's counter-terrorism committee on the steps it had taken to implement resolution 1373. Among the measures at that time were the Anti-terrorism Act and the amendments to the Criminal Code. All that leads to the offences that were newly classified as terrorist activity, which is a term that many nations have been grappling with for quite some time.

● (1800)

There are several definitions in place. As I mentioned, we came up with two major treaties in this particular situation. The first one was around 2004 and the other was an amendment to an existing one, with the offences as part of the Criminal Code and the enactment of the Anti-terrorism Act. It was added to the code following Canada's ratification in 1986, and this goes back to the Convention on the Physical Protection of Nuclear Material. It was not until the Anti-terrorism Act came into force that they constituted terrorist activity. These are the amendments we are looking at when it comes to the CPPNM, which is what it is normally called. I do not want to get too much into acronyms because goodness knows where that will lead.

Following resolution 1373, three years after the terrorist attacks on September 11, 2001, the United Nations Security Council passed resolution 1540. This is what led up to what we have today.

Resolution 1540 specifically deals with the non-proliferation of weapons of mass destruction. The resolution focuses on nuclear terrorism requiring member states to take steps to prohibit non-state actors from acquiring nuclear weapons and puts additional measures in place to control nuclear materials and prevent proliferation.

Resolution 1540 calls for member states to take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical or biological weapons. In other words, look after their own backyard, as was agreed upon by all the nations and member states.

> Secondly, adopt legislation prohibiting the acquisition, use or threat of use of nuclear weapons by both State and non-State actors.
>
> Also extend such criminal legislation to apply to citizens extra-territorially and to embrace universal jurisdiction over any such acts regardless of nationality or location of the act.

That is very important, because now we are going beyond our own jurisdiction to find criminal intent, even after the fact, to find people in this particular situation because, as we know, these terrorist cells, potential or not, exist all over the world. They operate from many bases, not just from one particular country or from one particular region. Now with the advent of technology, with the Internet and the way technology is flowing around the world instantaneously, we have to behave in this manner in order to find these criminals, to find any act that is about to be committed, so that we can stop it before something serious actually happens.

Resolution 1540 from 2004 also established a committee of the United Nations Security Council tasked with overseeing the implementation of that particular resolution. This resolution came down to this agreement known as the International Convention for the Suppression of Acts of Nuclear Terrorism.

Bill S-9, the bill we are dealing with today, comes from these particular treaties. As I mentioned earlier, in order for these treaties to have any effect, despite any good intentions, if the home country chooses not to fix its own home legislation in order to make the purpose of these treaties come to fruition, then obviously it has to make the right laws. In this particular situation we are talking about fixing the Criminal Code, certainly Part II, and amending it as such.

The ICSANT, or as I will call it, the treaty, talked about certain things within this treaty that were very important for each member state to adopt: unlawful and intentional possession of radioactive material; unlawful and intentional use of radioactive material or a nuclear or radioactive device that makes a credible threat to unlawfully and intentionally do the acts described in Article 2(1)(b); unlawful and intentional demanding of radioactive material, a nuclear or radioactive device with intent to commit the possession and use offences outlined in the article; and finally, participating as an accomplice in, organizing or directing others to commit or contributing as a member of an organized group. It is not merely saying one is guilty by association, but that the intent is there in this particular situation.

I will call it the ICSANT for now in this particular situation. I do not have a nickname for it.

● (1805)

I talked earlier about the extraterritorial aspect of the ICSANT that is in article 9. To me, that is a very important part. Article 9 permits states to establish jurisdiction over offences occurring outside their territories when the offence is committed against a national, a person of that state; the offence is committed against a state or a government facility of that state; the offence is committed by a stateless person who habitually resides in that state; the offence is committed to compel a state to do or abstain from doing something, from article 9(2); or the offence is committed aboard an aircraft operated by the government of that particular state.

What is happening here is that we are fixing our own legislation in order for it to comply with the intentions set out by the United Nations. In this particular situation, the two treaties that we discussed, which we ratified in 2007 and struck in 2004, bring us into what the reality is around this globe. To me, article 9 of that particular treaty illustrates that by saying we need to go beyond our own territory to take the action necessary to stop potential terrorist activity.

As I mentioned earlier, two major conventions in the past few years, 2010 in Washington, D.C., and 2012 in Seoul, South Korea, also put the pressure on us to make this so. I find it odd that this came from the Senate.

Subclause 2(2) of Bill S-9, in this particular situation, adds four new defined terms to section 2 of the code to encompass the intention of doing a lot of harm to a lot of people and to use this as a particular threat for whatever means or intentions they have. They are "environment", "nuclear facility", "nuclear material" and "radioactive material".

Obviously this is the type of language we have to use in this particular situation. We are dealing with dangerous material. We are dealing with terrorist groups that are not just confined to one particular area. They are global in perspective and therefore our legislation has to be changed to reflect this harsh reality.

In addition, subclause 2(1) of Bill S-9 amends the definition of "Attorney General" found in section 2 of the code. That is also a reflection of what we are trying to do here.

There are many aspects of this that could be improved upon. In this particular situation I think that perhaps the bill in and of itself is a little bit introspective, meaning that the legislation could also encompass something that is a little more international in scope. The intention is there. The intention is good, as was argued and debated in the Senate. Now we bring it here.

However, some of this needs to be looked at thoroughly. Are we living up to the international obligations that we have signed on to when it comes to nuclear proliferation? That has to be assessed in committee. Certainly I would want to see it sent, as it already is in the Senate, to the standing committee of the House of Commons in order to have a look at that. I think that is very important for all of us to consider. If we have waited this long, we might as well do it right. My grandfather used to say that.

The committee must look at this in a particular light. I look forward to advancing this and seeing whether or not the changes we are making to the Criminal Code fulfill the spirit of the agreements we have signed on to, agreements dating back to 2004, including the ICSANT that I mentioned earlier.

The intent is to root out the evil in these terrorism cells around the world and to have the right tools to do that, including extraterritoriality in order for us to go beyond our own boundaries and find out who is involved and how we can best protect our society.

● (1810)

[*Translation*]

Mr. Sylvain Chicoine (Châteauguay—Saint-Constant, NDP): Mr. Speaker, since September 11, 2001, in particular, the United Nations Security Council and the UN General Assembly have been concerned about international terrorism activities, including nuclear terrorism. Members of the UN Security Council and the UN National Assembly passed resolutions that led to the development of treaties on nuclear terrorism so that member states would adopt legislation and policies in sync with the ever-changing threat of terrorism.

Canada has been co-operating with other countries to address this issue at the international level for a long time now. Canada ratified the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities, which encourages the development of measures related to the prevention, detection and punishment of offences relating to nuclear material.

In 2005, this convention was amended to improve the physical protection of nuclear material and facilities. The amendments made in 2005 increased the convention's scope in order to cover peaceful nuclear facilities and the use, storage and transportation of nuclear materials within the countries.

Also in 2005, Canada signed the International Convention for the Suppression of Acts of Nuclear Terrorism, but we have yet to ratify it. The convention calls upon state parties to create new criminal offences for acts of nuclear terrorism.

It is important to remember that a treaty cannot be ratified unless changes are made to national laws. That is the purpose of Bill S-9, which amends Canadian laws to make them consistent with the two conventions I just mentioned. After this bill is passed, Canada will be in a position to keep its commitment to ratify these international conventions. We will thus be able to fulfill our obligations.

The NDP supports multilateral approaches that promote co-operation among the state parties. Such co-operation is important in areas that go beyond our borders. Terrorism is this type of threat, and it is only through co-operation between the state parties that we can protect ourselves against such threats. We support working with the countries that ratified these conventions, and that is why we are going to support this bill. We also want to be able to examine it more thoroughly in committee.

This bill was introduced in the Senate in March 2012. It includes 10 clauses that create four new offences in the Criminal Code. Adding these new offences makes it illegal to possess, use or dispose of nuclear or radioactive material or a nuclear or radioactive device, or commit an act against a nuclear facility or its operations, with the intent to cause death, serious bodily harm or substantial damage to property or the environment.

It also makes it illegal to use or alter nuclear or radioactive material or a nuclear or radioactive device, or commit an act against a nuclear facility or its operation, with the intent to compel a person, government or international organization to do or refrain from doing anything.

I would like to call attention to this restriction. It is very important, because the very purpose of terrorism is to force a government or an organization to do, or to refrain from doing, a specific thing. How many attacks or kidnappings have been committed by terrorist organizations in order to discourage western countries from taking part in wars in Afghanistan or Iraq? Terrorist groups use threats and retribution to force governments to give in to their demands.

The bill also makes it illegal to commit an indictable offence under federal law for the purpose of obtaining nuclear or radioactive material, a nuclear or radioactive device, or access or control of a nuclear facility, as well as to threaten to commit any of the other three offences.

This bill makes other important amendments to the Criminal Code, for instance, to introduce definitions for the terms used for these new offences. The bill also adds a new section in the Criminal Code to ensure that individuals who commit or attempt to commit any of these offences overseas can be prosecuted in Canada. This provision must meet certain criteria. The offence must be committed on a vessel flying the flag of or an aircraft registered to Canada by a Canadian citizen or by someone who is present in Canada following the commission of the act.

● (1815)

This bill will amend the Criminal Code provisions on electronic surveillance and the taking of bodily substances. The Anti-Terrorism Act amended the code provisions on electronic surveillance. Therefore, the four new offences were added to section 183 of the code to justify the use of electronic surveillance for these offences.

This provision, which deals with the primary designated offence, was included to allow peace officers to apply for a warrant for the seizure of bodily substances when they are investigating individuals for these offences. Therefore, it also makes it mandatory to collect bodily substances from those convicted of these offences.

These tools are important for our front-line public safety officers, but these provisions will have to be used in accordance with the Canadian legislation and the Canadian Charter of Rights and Freedoms. When new powers are granted, limits must be set to prevent any abuse on the part of our public safety officers who, I would like to stress, have my full confidence.

Finally, the bill amends the Canadian rule regarding double jeopardy. That rule does not apply if a trial abroad does not meet certain basic Canadian legal standards. In this case, a Canadian court may retrial the person for the same crime for which he was convicted abroad.

This Senate bill enables the government to meet its international obligations by creating new offences, but that is just one side of the coin. The other side, which is just as important, has to do with prevention and security. Mr. Jamieson, from the Canadian Nuclear Safety Commission, made a presentation before the Senate committee on June 4. He gave a brief outline of the prevention provisions adopted by the commission over the years.

He explained that the requirements relating to physical protection are gradual and reflect the level of risk and its consequences. He presented a non-exhaustive list of security measures in nuclear facilities. The requirements range from controlling access to sites to providing an on-site response force. Employees and supervisors must meet awareness and training requirements relating to security protocols, and they must undergo background checks.

Licensees must develop and maintain contingency plans as well as practice regular emergency drills. The transport of nuclear materials requires a licence. In order to obtain it, the licensee must submit a detailed security plan including a threat assessment, the proposed security measures, the route and other arrangements along the route. Security plans are required for all shipments including those in transit through Canada.

Canada is a model for the world when it comes to nuclear safety, but the government must continue to invest the necessary amount for maximizing the safety of Canadians, while minimizing the likelihood of a crime or a terrorist attack being committed in Canada or elsewhere in the world.

The International Atomic Energy Agency documented nearly 2,000 incidents related to the unauthorized use, transport or possession of nuclear and radioactive materials between 1993 and 2011. Government agencies with anti-terrorism responsibilities must work in an integrated manner in order for these organizations to be able to properly protect Canadians.

It is not just a matter of creating indictable terrorist offences. It is also a question of investing the necessary funds to allow these organizations and their front-line officers to accomplish their mission and carry out the mandate assigned to them, namely to ensure the safety of Canadians.

● (1820)

[*English*]

Mr. Craig Scott (Toronto—Danforth, NDP): Mr. Speaker, we have had some discussions, up to this point, about the fact that the bill is much delayed in the sense of when it was introduced to the Senate initially and then to the House and that it will now be going to committee with our support.

Because the government put up absolutely no speakers except the parliamentary secretary, I worry that it now seems to be in such a hurry that it is going to ask us not to hear the same witnesses who were heard in the Senate, if we want to hear them.

If the government makes this argument and says we should only hear some witnesses and for the rest we can read the transcript from the Senate, how would my honourable colleague suggest we respond to the government, if it takes that position?

[*Translation*]

Mr. Sylvain Chicoine: Mr. Speaker, I would like to thank the hon. member for his work on the Standing Committee on Justice and Human Rights, which will examine this bill.

He has pointed out to the members of the House several unusual elements. This is a bill that should have been introduced much sooner.

In 2005, when this convention was ratified, we committed to make changes. However, the government did not consider this issue and, instead, left it up to our colleagues in the Senate to do the work.

It is strange that we have to examine this bill after the Senate. This bill should have been introduced six years ago. It is important to take all the time needed to consider it carefully. We have full confidence in the hon. member for Toronto—Danforth. The committee must ask the right questions and take the time to examine the bill, even if that requires a few extra weeks.

This is a good reason not to rush the process and to take all the time needed to carefully examine the bill. I am convinced that my colleagues that sit on the Standing Committee on Justice and Human Rights will be diligent in their work.

Ms. Paulina Ayala (Honoré-Mercier, NDP): Mr. Speaker, my question is for my colleague. Can he talk about the concerns raised by the Senate when studying this bill?

Mr. Sylvain Chicoine: Mr. Speaker, I thank my colleague for her excellent question.

This bill was introduced in the Senate last March. There were some oversights. Liberal senators made some amendments, which were adopted unanimously. It is important that we continue to closely study this bill to ensure that there are no other oversights.

I do not remember the exact oversights, but there were some. A Liberal senator proposed some amendments. We will continue studying the bill in order to ensure that there are no other oversights.

● (1825)

Ms. Francine Raynault (Joliette, NDP): Mr. Speaker, I thank my colleague for his speech.

When the Senate studied the bill, it may have pointed out areas that were overly broad in scope in order to prevent criminalization. I will read a short excerpt.

> The intent of the Department of Justice was to adhere as closely as possible to the provisions of the convention. However, some of the new offences in the Criminal Code are broader in scope than the offences found in the international agreements.

Must we ensure that the overly broad scope of this new part will not result in excessive criminalization and will not violate the Canadian Charter of Rights and Freedoms?

Mr. Sylvain Chicoine: Mr. Speaker, I thank the member for Joliette for her excellent question, which makes some very important clarifications.

The scope of this bill is possibly too broad, since the justice department's intention was to stick as close as possible to the provisions of the convention. However, some of these new offences in the Criminal Code have a much broader scope than the offences found in the international agreements.

We must ensure that the broad scope of this new part will not cause excessive criminalization and will not violate the Canadian Charter of Rights and Freedoms. The Standing Committee on Justice and Human Rights will have to make some clarifications.

[*English*]

Mr. Craig Scott: Mr. Speaker, my hon. colleague from Châteauguay—Saint-Constant made a very good point about the delay of this legislation arriving in Parliament. We know that the operative treaties that underlie this legislation were both adopted in 2005 and it is now 2012, seven years later. Even giving the government a year or a year and a half to prepare the implementing legislation, this seems excessive.

Does my colleague feel that the government's approach to these two treaties has harmful effects on our reputation internationally, especially among the community of states that take very seriously measures to protect against nuclear terrorism?

[*Translation*]

Mr. Sylvain Chicoine: Mr. Speaker, I thank the member for Toronto—Danforth for his excellent question.

The answer can be found in the question itself, in that the seven-year wait was excessive. Many countries take these questions very seriously. We are talking about the safety of Canadian citizens.

Many countries took these issues much more seriously—if I may say so—and addressed nuclear safety issues much more quickly.

The fact that Canada waited so long to address the nuclear safety issue has only tarnished Canada's international reputation, which had been excellent up until now. Canada's reputation has been tarnished by our delay in addressing this issue. My colleague was correct in pointing that out.

Mrs. Djaouida Sellah (Saint-Bruno—Saint-Hubert, NDP): Mr. Speaker, as my colleague pointed out and I just realized, unfortunately, since this morning only NDP members have been defending Bills S-7 and S-9, which have already been studied in the Senate. That does not surprise me. Each time, the Conservative government has washed its hands of these matters, and it has done the same with health concerns.

However, I am not surprised by how they have handled these two bills. They have let representatives appointed to the Senate do the work of members elected by Canadians to represent them in the House of Commons.

That being said, I listened carefully to my colleagues' speeches. Concerns were raised in the Senate, especially about the sentences. They say that there are no mandatory minimum sentences in Bill S-9. Can my colleague talk about that?

● (1830)

Mr. Sylvain Chicoine: Mr. Speaker, I would quickly say that it is a good thing that there are no minimum sentences in this bill because they are constantly challenged in the courts anyway. What is more, in the near future, they would probably be declared unconstitutional. So, it is a good thing that there are no minimum sentences. There are however maximum sentences that can be as long as life in prison for most of the offences. That is appropriate. This will give judges the flexibility to rule according to case law, case by case, and to come up with the right sentence.

The Acting Speaker (Mr. Bruce Stanton): It being 6:30 p.m., this House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 6:30 p.m.)

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