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(HANSARD)

Tuesday, June 13, 2017
(Part A)

Speaker: The Honourable Geoff Regan

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HOUSE OF COMMONS

Tuesday, June 13, 2017

The House met at 10 a.m.

Prayer

ROUTINE PROCEEDINGS

● (1005)

[*Translation*]

INFORMATION COMMISSIONER

The Speaker: I have the honour to lay upon the table the 2016-17 annual reports of the Information Commissioner of Canada concerning the Access to Information Act and the Privacy Act. Pursuant to Standing Order 108(3)(*h*), these documents are deemed to have been permanently referred to the Standing Committee on Access to Information, Privacy and Ethics.

* * *

BUSINESS OF SUPPLY

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Mr. Speaker, there have been discussions among the parties, and if you were to seek it, I think you would find that there is consent to adopt the following motion:

That, at the conclusion of today's debate on the opposition motion in the name of the member for Skeena—Bulkley Valley, all questions necessary to dispose of the motion be deemed put and a recorded division deemed requested and deferred until Wednesday, June 14, 2017, at the expiry of the time provided for oral questions.

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

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to)

[*English*]

PETITIONS

JUSTICE

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Mr. Speaker, I am pleased to present a petition signed by 6,058 Canadians urging the Liberals to pass Wynn's law.

Wynn's law would close a fatal loophole in the Criminal Code that cost Constable Wynn his life after he was murdered by a career criminal who was let out on bail, all because that career criminal's extensive criminal history was not presented at the bail hearing. Wynn's law would close that loophole by requiring prosecutors to read evidence of the criminal history of bail applicants.

The petitioners are urging the Liberals to do the right thing and pass this needed legislation so that what happened to Constable Wynn never happens again.

CONSULAR AFFAIRS

Mr. Gord Johns (Courtenay—Alberni, NDP): Mr. Speaker, I rise today to table a petition initiated by my constituent, Lois Eaton, which has garnered 579 signatures from my riding of Courtenay—Alberni on Vancouver Island, and across Canada.

On this same day of last year, June 13, 2016, Lois Eaton's cousin Robert Hall was beheaded in the Philippines after being held hostage for nine months.

The petitioners recognize Canada's insufficient services offered to the families of those kidnapped or abducted abroad. These Canadians are calling on the government to increase consular services for kidnapped or abducted citizens and to create a permanent Canadian cadre with international experts in the area of terrorist kidnapping, dedicated solely to assisting families. Importantly, the signatories are asking the Canadian government to commit to keeping families informed about the government's rescue actions and use a plan that includes dedicated personnel who will immediately become active once a Canadian is kidnapped abroad.

New Democrats and I strongly feel that Canadians need better consular services from the government. Today, I want to personally pay my respects to Robert Hall and to his friends, family, and sister Bonice. I am honoured to be able to be here today to present this petition.

FIREARMS ADVISORY COMMITTEE

Mrs. Cathay Wagantall (Yorkton—Melville, CPC): Mr. Speaker, today I am standing up on behalf of target shooters, hunters, trappers, farmers, and collectors who are calling on the Minister of Public Safety and Emergency Preparedness to increase representation from their group on the Canadian firearms advisory committee.

Their views represent those of a vast number of Canadians, and they feel that they are not fairly represented on that advisory committee, and thus have presented the petition.

[*Translation*]

RIGHT OF PEOPLES TO SELF-DETERMINATION

Mr. Michel Boudrias (Terrebonne, BQ): Mr. Speaker, the petition I am presenting today has to do with a fundamental right, namely, the right of peoples to self-determination.

Nearly 10,000 people have signed the petition, whether on paper or electronically. They are calling on the government to withdraw from the legal challenge of Bill 99 and reaffirm, as the Quebec National Assembly has done, the fundamental principles set out in that bill, particularly the undeniable right of the people of Quebec to self-determination, including the right to determine and control the terms and conditions of the exercise and the democratic majority rule of 50% plus one.

[*English*]

PHYSICIAN-ASSISTED DYING

Mr. Mark Warawa (Langley—Aldergrove, CPC): Mr. Speaker, I have the honour to present two petitions. The first relates to conscience protection. The petition highlights that in the special joint committee on assisted suicide and euthanasia, witnesses stated that protection of conscience should be included in the government's legislative response to Carter v. Canada. In the legislation, the government did not include that, and presently there is coercion, intimidation, and other forms of pressure to force physicians in health institutions to become parties to assisted suicide and euthanasia.

The petitioners call upon the Parliament of Canada to enshrine in the Criminal Code protection for physicians in health care institutions from coercion and intimidation to perform medical procedures that are against their consciences.

● (1010)

SEX SELECTION

Mr. Mark Warawa (Langley—Aldergrove, CPC): Mr. Speaker, the second petition highlights that ultrasounds are being used to tell the sex of an unborn child so that the expectant parents can choose to terminate the pregnancy if the unborn child is a girl. Because of that practice of sex selection, over 200 million girls are missing worldwide and the three most dangerous words in the world are "it's a girl."

The petitioners are calling on all members of Parliament to condemn the practice of sex selection against girls.

HEALTH

Mr. Sean Casey (Charlottetown, Lib.): Mr. Speaker, I am pleased to present a petition today signed by Canadians in the Maritimes and on the west coast that touches on the condition of barrenness. Barrenness is the inability of women and men to conceive children or successfully produce them. It affects approximately 100 million couples worldwide.

The petitioners are calling on the government to take a lead role in raising awareness about the social and health issue of barrenness in Canada and internationally. They also call on the government to take a leadership role in the inclusion of barrenness and the treatment of people with barrenness. Oftentimes there is a social stigma both within Canada and otherwise, so the petitioners ask to have the people who are living with that condition recognized in the United Nations Universal Declaration of Human Rights.

FALUN GONG

Mr. Robert-Falcon Ouellette (Winnipeg Centre, Lib.): Mr. Speaker, I have a petition signed by residents of Canada who draw the attention of the House of Commons to the following. It has been 17 years since the Chinese Communist regime launched the persecution to eradicate Falun Gong, a spiritual practice centred on the principles of truthfulness, compassion, and forbearance. Millions of Falun Gong practitioners have been arbitrarily detained, including family members of Canadians. Mass extrajudicial imprisonment, forced labour, torture, rape, and killing, along with hate propaganda, have all been reported by major human rights organizations.

The petitioners state that an updated report released in June 2016 indicates that prisoners of conscience, primarily Falun Gong practitioners, have been killed on demand to fuel the massive state-run transplant industry, supplying most of the organs for an estimated 60,000 to 100,000 transplants per year in Chinese hospitals since 2000. This could mean that at least hundreds of thousands of Falun Gong practitioners have been murdered for their organs over the last 15 years.

Therefore, the petitioners request the Canadian Parliament and government to establish measures to stop the Chinese regime's mass murder of innocent peoples for their organs, including but not limited to introducing Canadian legislation to ban organ tourism and criminalize those involved, taking every opportunity to call for an end to the persecution of Falun Gong, and urging the Chinese authorities to bring former leader Jiang Zemin and his cohorts to justice.

The Speaker: I want to encourage colleagues not to read the entire petition. Petitions are tabled and therefore available to be read, once they have been tabled, by the public and by the members. This should be a time when we simply present a petition with a few words to summarize what is in it and what the petitioners call for.

I thank members for presenting their petitions.

* * *

QUESTIONS ON THE ORDER PAPER

Mr. Matt DeCourcey (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Mr. Speaker, I ask that all questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

● (1015)

[*English*]

BUSINESS OF SUPPLY

OPPOSITION MOTION—APPOINTMENTS COMMITTEE

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP) moved:

That Standing Order 111.1 be replaced with the following:

"(1) Where the government intends to appoint an Officer of Parliament, the Clerk of the House, the Parliamentary Librarian, the Parliamentary Budget Officer or the Conflict of Interest and Ethics Commissioner, the name of the proposed appointee shall be deemed referred to the Subcommittee on Appointments of the Standing Committee on Procedure and House Affairs, which may consider the appointment during a period of not more than thirty days following the tabling of a document concerning the proposed appointment.

(2) At the beginning of the first session of a Parliament, and thereafter as required, the Standing Committee on Procedure and House Affairs shall name one Member from each of the parties recognized in the House to constitute the Subcommittee on Appointments. The Subcommittee shall be chaired by the Deputy Speaker who shall be deemed to be an associate member of the Standing Committee on Procedure and House Affairs for the purposes of this Standing Order. The Subcommittee shall be empowered to meet forthwith following the referral of a proposed appointee pursuant to section (1) of this Standing Order.

(3)(a) After it has met pursuant to section (2) of this Standing Order, the Subcommittee on Appointments shall forthwith deposit with the clerk of the Standing Committee on Procedure and House Affairs a report recommending the approval or rejection of the appointment, and that report, which shall be deemed to have been adopted by the Committee, shall be presented to the House at the next earliest opportunity as a report of that Committee;

(b) If no report has been filed with the clerk of the Standing Committee on Procedure and House Affairs on the thirtieth day following the nomination of a proposed appointee, a report recommending the rejection of the appointment shall be deemed to have been filed with the clerk and that report, which shall be deemed to have been adopted by the Committee, shall be presented to the House at the next earliest opportunity as a report of that Committee.

(4) Immediately after the presentation of a report pursuant to section (3) of this Standing Order which recommends the approval of the appointment, the Clerk of the House shall cause to be placed on the Notice Paper a notice of motion for concurrence in the report, which shall stand in the name of the Leader of the Government in the House of Commons under Notices of Motions (Routine Proceedings). Any such motion may be moved during Routine Proceedings on any of the 10 sitting days following the expiry of the notice provided that, if no such motion has been moved on the 10th sitting day following the expiry of the notice, it shall be deemed moved on that day. The question on the motion shall be put forthwith without debate or amendment.

(5) Immediately after the presentation of a report pursuant to section (3) of this Standing Order which recommends the rejection of the appointment, the proposed nomination shall be deemed withdrawn."; and

That the Clerk of the House be authorized to make any required editorial and consequential alterations to the Standing Orders.

He said: Mr. Speaker, thank you for that impassioned reading of what we can all admit is true poetry in parliamentary terms. I may have welled up a couple of times during your recitation. For folks watching, we will certainly endeavour over the course of not just my speech but speeches of others in the House, I am sure, to translate what was just said and what it actually means for Canadians. Fundamentally, what we are trying to do today is make Parliament work, make government work better for Canadians, and allow Canadians to have more confidence that their government is being held to account when it comes to spending, programs, our elections, and some small things like that.

The place I want to start with is the place I represent. Northwestern British Columbia is the riding of Skeena—Bulkley Valley, and the support I receive from the good people there allows me to stand in this place and speak on their behalf. When I think about how we conduct ourselves in our communities in northern British Columbia, good faith, trust, and good-neighbour conduct are at the core of all of our communities because they are small towns. Being able to rely on one another, trust in one another, and have faith in the word of our neighbours is important for conducting business, operating our local governments, and just getting along in small communities; not just in northern British Columbia but right across Canada. People also send us to this place to try to make the country better, sometimes in small and incremental ways and sometimes in significant and larger ways.

The motion we are discussing here today, which will be voted on later this week, attempts to make better one of our most critical and fundamental institutions in our democracy. These are what are called, collectively, the officers of Parliament, a group of watchdogs who work on behalf of Parliament, and we work on behalf of Canadians. The only people who can hire and fire these watchdogs are the people of Parliament itself. The officers of Parliament work for us in doing incredibly difficult and serious work. If we look back through our recent to more distant history at the roles of various watchdogs from the Auditor General to the Commissioner of Languages and the Chief Electoral Officer, we see they all play fundamental and critical roles in the maintaining and the curbing of power.

We have to recognize that the system we have, the Westminster model that we adopted from England, especially with a majority government, allows an enormous amount of power to lie in the hands of the cabinet and the prime minister and those who advise the prime minister. In the nomination of Supreme Court justices, the handing out of thousands of patronage appointments, the orchestration of what happens in the House of Commons and sometimes committee, by extension, watchdogs including the parliamentary budget officer, the Auditor General, the languages commissioner, and the Ethics Commissioner are all a check on that power and play a central role in peace, order, and good governance.

I would like to quote the Prime Minister from early March of this year, when he said:

> The Government is today taking further concrete steps to follow through on its commitment to reform the Senate, restore public trust, and bring an end to partisanship in the appointments process.

Those all sound like pretty good things. On reforming the Senate, Lord knows that could use some reforming. Some of us have perhaps more extreme positions on how it might be reformed. Restoring public trust is certainly an issue we have been dealing with as parliamentarians; over time the level of trust within the public toward institutions like government has eroded. Bringing an end to partisanship in the appointments process is also good because too often the appointments process to parole boards and to the hundreds of appointed positions that government can make have had a partisan, patronage nature; those who were helpful to the party that eventually formed government then got rewarded with very well paid jobs that sometimes required some work and sometimes not so much. It is a quid pro quo that goes on within politics that absolutely disgusts Canadians who are not engaged in that process and say, "Wait a second; should it not just go to the best person, the most qualified person, not somebody who has a friend in the Prime Minister's Office, who was a big donor, etc.?"

● (1020)

When there is not a check on power, no accountability, and patronage is the rule of the game, there are the Brazeaus, the Duffys, and the Wallins, where a culture gets created in which people know they are not accountable, know that their access to a patronage position is simply through partisan efforts, and just continue that practice, because it works. They get paid, essentially, and do not have to be accountable to anybody.

The New Democrats' motion is long because we had to be very specific to the government. This is a good faith offer to make the appointments process more accountable to the Parliament that these officers serve and the Canadians, by extension, whom we serve. I will walk through the process because it is important, and then I will put this in the context of what we are dealing with today.

There are eight officers of Parliament, and the government has to fill those positions. By law, the Prime Minister is required to consult the other recognized party leaders. That is the law right now. What consultation means is obviously open to interpretation, but from my perspective, consultation has to be meaningful. It has to mean something; otherwise it is simply cynical. In my resource-rich riding, a lot of consultations go on with industry and government, and the folks I represent are very good at determining early on whether consultation is real, sincere, and meaningful, or is just someone ticking a box by holding a public meeting and writing down a few notes, but the decision has already been made that the government is going to go in a certain path or the mining company is going to perform the project a certain way. Meaningful consultation builds public trust and the social licence we often talk about, not just for industry but for government as well.

Cynical consultation, the kind that people start to understand early on is meaningless, does the opposite. It builds cynicism and resistance and erodes social licence for government, industry, whoever. The process that New Democrats are offering today is the following. When the government needs to fill a nomination, one of the officers of Parliament, it makes known who it would like to fulfill that role. That then is passed to an appointments committee, which most functioning Parliaments around the world use, by the way, detached from government. The appointments committee is made up simply of a representative of each of the recognized parties in the House. It has 30 days, so there is no delay, and much of it is done with an element of privacy in terms of interviewing candidates to make sure they are respected, because we want to be respectful of these folks. They often have high-profile lives and we want to be sure they are respected throughout the process.

After 30 days, the committee has two choices, essentially: it can reject or accept the appointment. If it accepts the appointment by a simple vote, ideally by consensus, which in the past has usually occurred on the appointments of officers, the vote then lands in Parliament, where it must land, because it is us as parliamentarians who these officers work for. Again, Parliament is the only place that hires and fires officers of Parliament, as it should be. It should not be up to anybody except us. That is it.

If the committee fails to report in 30 days, if someone is trying to monkey with the process, drag it out, rag the puck, as we say, then the candidate is assumed to be rejected. However, New Democrats believe that a good faith negotiation between representatives from the parties can certainly eliminate any of the pitfalls that we have seen recently, particularly with the language commissioner, which can not only derail the entire process, but even if the government were to try to force through an appointment that is not respected or condoned by the other recognized parties, it puts a cloud over the head of that officer of Parliament throughout his or her entire tenure, because of possibly being tainted with the notion of partisanship.

One of the key elements New Democrats are looking for is a good and fair process to all sides, both opposition and government, but it is also finding the right people. Clearly when hiring anybody, one wants the right skills and temperament. These are not easy jobs. Being the Auditor General of Canada is not an easy job. As for the Chief Electoral Officer, there is probably a short list of people qualified to fulfill the challenging position of running elections in Canada. The parliamentary budget officer is an incredibly important job, as that person looks to try to understand government promises, match them up with reality, and then report to Canadians as to what is happening. That is also a challenging job.

What cannot be allowed, which was usually the practice of Canada up until recently, is for the appointees, the officers of Parliament, the watchdogs, to be partisan in any way. They cannot be for one side. They cannot be seen as giving favour given to one party or another. It does not work. They will, by definition, be unable to perform their jobs on behalf of Parliament and Canadians.

● (1025)

Therefore, it makes no sense at all to have a process that would allow for partisanship to enter into these critical roles. That would further allow for the conditions, the culture, that would at least encourage, if not permit and make constant, an element and possibility of corruption or of partisanship seeping into everything that goes on here. When an Auditor General's report comes out or when the PBO reports to Parliament, as parliamentarians we can argue about the merits and the qualifications of certain elements of the report. However, never in my experience have we debated or had an argument about whether the report is biased and partisan toward one party or against another. That is good for Canadians. If there is a problem with the Official Languages Act and the languages commissioner reports that there is a problem, we never say that is because the commissioner is affiliated with this party or that party, thank goodness. We have enough partisanship as it is. It is inherent in the model of Parliament that political parties engage and clash on partisan lines. That is fine. That is encouraged. That is how it is designed to be. However, these folks play a unique and independent role, and that must remain so.

I can remember that Jack often said, when talking to us as a caucus, that while in opposition there are moments, and those moments are often frequent, where we must simply oppose, that if there were a proposal coming from the government that we believed and deemed to be bad for the country, we should oppose it, try to change or modify it, or sometimes even block it. He also said we must be in a frame of proposing, so that if we see a problem, we should not just complain about it but offer a solution.

Today that is what we are doing for the government. I sincerely hope and believe, despite some recent examples, that the government will take us up on this offer. It would help the Liberal government with this problem it has, a problem that some would argue is of its own creation, which is that the normal role of appointing an officer of Parliament should be done in such a way that the officer is celebrated, encouraged, and supported by all sides of the House. That is not the recent example, and it is a problem the government should be looking to solve. This is the solution we are offering. If I may say, I feel it is a fairly elegant solution. It does not change any of the statutes with respect to each of the officers of Parliament; it simply changes the rules of Parliament itself in terms of the process, and that is all. It adds in an element where any appointee who has been put forward as a candidate must simply meet with and meaningfully engage with all sides of the House and seek their approval, to make sure things like partisanship are not an element of the conversation.

I think it is fair to say that had this been the process in place in the most recent example with respect to the official languages commissioner, I am fairly confident we would have noticed that there was a clear and obvious element of partisanship present and that the candidate was not acceptable to perform a role such as the languages commissioner, which she has obviously now also deemed true herself because she has withdrawn her name from consideration. It did not have to be that way. I do not know Madame Meilleur; however, I have great empathy for her. I do not think the last month has been necessarily a good time.

Let us go back again to what these roles are, so that Canadians can understand the importance of this, because some of them might look at this motion and try to read through it and understand what it means. The effect of what we are suggesting is to improve how our elections are run; how government spending is monitored and controlled; how future government projections are estimated and understood, and whether they can be believed; whether our official languages are respected in this country, with various linguistic minority groups across Canada; how our ethics are maintained; and how we as parliamentarians are watched for our own ethical behaviour. These are the things we are talking about changing and improving today to make sure that watchdogs are watchdogs and not lapdogs. This is critical to the roles we have as parliamentarians.

I do not want to dwell too much on what happened with the official languages piece, but it is instructive. It is only truly a mistake if, once made, we do not learn from it. We all make mistakes. Things happen. We make a judgment that is the wrong call and turns out to not work so well. It is only a fundamental and worrisome problem if we keep making the mistake over and over again and do not learn from it. Therefore, let us learn from this one. Let us walk through the process.

● (1030)

On May 15 this spring, the government realized it had a number of appointments to fill, and one of those positions was the Commissioner of Official Languages. The government put forward the name of Madeleine Meilleur, a former Liberal MPP in Ontario, a provincial representative. Over her time in office, and even before, she chose to make donations not just provincially but federally, as well to the Prime Minister's leadership campaign.

As the law requires, the Prime Minister was meant to consult with the other party leaders. Let us look at that consultation. A letter was issued by the Prime Minister's Office with his signature to the two party leaders saying that he had made an decision, and this was the appointment. One would really have to stretch the definition of consultation to the breaking point to suggest that this was somehow meaningful.

I might consult with my six-year-old twins that way on what we are having for dinner. I might say, “We are going to have hamburgers. Is everybody good?” I could say I consulted, I suppose, but I was not really open to other radical ideas of what dinner might consist of. When a parent has to get the kids food, these are the decisions that have to be made sometimes. Kids like hamburgers, so there is a pretty good chance that the consultation will go well. I would never suggest to my children or to anyone that it was meaningful consultation.

What happened with the Prime Minister's Office was not consultation. Let us be clear. One cannot simply say a decision has been made, suck it up, this is happening, and members were consulted.

To continue, the letter went out. We saw the candidate, we looked through the résumé, and we raised flags, because partisanship was a problem. It put the individual in a conflict of interest. What kind of conflict of interest? If a person has some association with a member of Parliament, in this case the Prime Minister himself, one cannot investigate that person fairly. It would be like an individual going to court and when pulling into the parking lot seeing the judge and the other lawyer getting out of the same car and finding out over the course of the day that they were golfing buddies and were related. There would be problems with the impartiality of the bench at that point, and there would be a call for a mistrial, which would succeed.

Madame Meilleur recently admitted that she had initially been seeking an appointment to the Senate as an independent senator but realized she was too partisan and withdrew her name from consideration. The Senate is meant to be nonpartisan and impartial. That was a clear admission that she recognized partisanship. I do not know how, when she met with the Prime Minister's advisers prior to being nominated, it was not obvious to them as well, because it was obvious to her. She admitted to the committee that she would have an impossible time investigating the Prime Minister because of that conflict of interest. There are, by the way, investigations by the Commissioner of Official Languages right now as they are by the Ethics Commissioner.

Imagine if one started to name partisan commissioners, and there was a problem with elections, for example, which we have had, and the Chief Electoral Officer said he could not investigate because he had a connection to one of the political actors. What about the Ethics Commissioner or the parliamentary budget officer, and on down the line it goes?

Madame Meilleur's name was finally withdrawn after less than a month. However, for a month the government defended her appointment day after day, saying there was nothing wrong with that partisanship, because they are Liberals, and Liberals investigating Liberals should not be a problem.

We think it is a problem, because there are upcoming appointments. The Liberal government seems to have an appointments problem. It does not seem to be able to make them. There have been many extensions. Many positions have sat vacant for months, coming on years. Appointments are coming up, within weeks, in some cases, for the Auditor General, the Integrity Commissioner, the Ethics Commissioner, the Commissioner of Lobbying , the Information Commissioner, the parliamentary budget officer, and of course, the Commissioner of Official Languages.

● (1035)

This change we can make. An elegant, straightforward change to the process to appoint officers of Parliament can be made and voted on this week, and the change can come into force for all these appointments that are coming up to get the process right for Canadians, because that is who we work for, not anyone else.

Mr. Anthony Housefather (Mount Royal, Lib.): Mr. Speaker, I want to thank my hon. colleague for Skeena—Bulkley Valley for his speech and for giving me the opportunity to put myself on record as to where I think appointments should go.

First, I do not agree that one cannot have a Conservative, Liberal, or NDP background and be appointed. It should be one of the many things in one's record that should be looked at, but in a non-partisan way, by people from all parties.

I agree that people from all recognized parties in the House of Commons should be part of the process to name officers. I do not agree with what is being proposed in the motion.

The director of public prosecutions is a wonderful example of a non-partisan way, in the law, we name officers. A representative of each of the recognized parties in Parliament is on the committee. They work together to make a proposal to the minister to create a short list. The minister names someone, it comes to the justice committee, and we have a review.

Personally, I believe, in the case of an Official Languages Commissioner, that members of each party, perhaps on the official languages committee, could create a short list, in consultation with the QCGN and the Fédération des communautés francophones et acadienne du Canada. The government would give the short list to a committee that includes people from all recognized parties, then the government would name someone from that short list and it would come to Parliament.

What I do not necessarily agree with is that a subcommittee of Parliament, made up of one person from each party, can simply veto a nominee, and it never comes to Parliament for a discussion and vote. One person from one party at that point can hold up the process and actually stop an appointment.

I agree that parties should be part of it. I do not speak for the government. I speak for myself. I do not like this process. I am wondering why the NDP did not propose the creation of a short list by members of different parties that would then go to the government, and the government would then name someone and it would come to Parliament.

The Assistant Deputy Speaker (Mr. Anthony Rota): Before we go to the hon. member for Skeena—Bulkley Valley, I want to remind the hon. members to every once in a while glance up at the Speaker. Sometimes, if they tend to go long, I will just give a signal or two. There are a lot of people who want to ask questions, so I thought I would mention that.

● (1040)

Mr. Nathan Cullen: Mr. Speaker, it is an old trick for people to avert their eyes if they are trying to get a few more words in.

I appreciate my friend's points of agreement and disagreement.

Partisanship is actually a problem. If we take the recent case of Ms. Meilleur, she has admitted that her partisanship was so much so that she could not sit in the Senate. She has admitted that her partisanship put her in a conflict of interest in investigating the Prime Minister.

We would get to a point where the person was unable to perform the duties we were asking them to do if there were certain members and parties they could not investigate because of that conflict of interest.

If someone went to a Conservative fundraiser 20 years ago and put $20 in the kitty, yet has had a stellar career, those are things of consideration. I do not think there is a hard line. Clearly, with the cases the government felt comfortable with, nobody else felt comfortable. That is a problem.

Contrary to the alternative model the member has suggested, one committee member cannot stall the entire process. It does not require a unanimous vote around the table, because that is not how our committees work. Second, if the government wants to put a few names, we are giving the government the opportunity to vet and put a few names forward to the committee. He wants to reverse it and have the opposition work with the government to come up with the names. It is an alternative way. We are actually allowing the government more discretion. We will hear from the government House leader in a bit what the official party line might be.

Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC): Mr. Speaker, I will attempt to keep my eye on you while I am asking this question. It may look like I am following a tennis match.

I had two points to raise with my hon. colleague. First, as he noted, there are three recognized parties, and therefore we have a three-person subcommittee looking at the appointments. I am assuming that this system works because there are at least three recognized parties. It would be a problem, perhaps, in an environment in which we had only two recognized parties. We recently had four recognized parties, and I wonder if it would be an issue when we faced a tie vote in the subcommittee. I will leave that thought.

Second, with regard to Madam Meilleur in particular, I have the sense that the hon. member is respectful of Madam Meilleur and her expertise, as I am as well. I wonder if the problem is not necessarily Madam Meilleur herself but the way she was appointed. It meant that any attempt to determine whether she could function according to her job description had to have the effect of an Easter egg hunt or an episode of CSI. They had to dig in, and she became effectively the opposition to that and a witness under hostile interrogation, and that whole thing wound up poisoning the well.

In other words, had she been presented in a genuine consultation that involved the Prime Minister speaking to the leaders of the two other recognized parties, at an informal level initially, saying that this was a suggestion and he would be interested in knowing what they thought, it might have been possible to find a way of causing that candidate to go through a process that in the end might have found her acceptable. I would be interested in his thoughts.

Mr. Nathan Cullen: Mr. Speaker, first, on the makeup of the committee, the Deputy Speaker of the House chairs the committee. One would imagine that if there were an even number and a tie in the committee process, the Deputy Speaker would have a vote, as we often do at our committees right now. We anticipated this. If there were three parties or five, the Speaker would not have any vote at all, because there would not be a requirement for that. We anticipated that.

Madam Meilleur was vetted, in a sense, eventually. It happened on the floor of the House of Commons during question period, which is probably not the most articulate form of vetting one would hope for as a candidate. It was also done at the Senate and House committee, which was not a great process for her either, I suspect, because all of this was laid out and she was playing defence all the time trying to rationalize this.

Of course, if a meaningful consultation had happened between the parties, the parties would have either said she was very partisan but they still thought she could perform her duties, or unfortunately, because she was a direct contributor to the Prime Minister's own leadership campaign and admitted that it put her in a conflict of interest, as qualified as she was, it was a disqualifying factor, as it would be for a judge or anyone else who should have impartiality.

We need impartial watchdogs in Parliament who can do their jobs. I think it would have been challenging, even if the consultation had been meaningful.

● (1045)

Ms. Linda Duncan (Edmonton Strathcona, NDP): Mr. Speaker, if for no other reason, this recommendation for a better process to scrutinize and select officers of Parliament is to avoid embarrassment for candidates. What has clearly happened in this place is that someone of great record and accomplishment has been embarrassed by the way this was handled.

I think this is a gift to future candidates and a gift to the Liberal government. There is a better way of doing things. We should recall that the Harper Conservatives actually started out their government with an appointments process, but they killed it because their suggested appointee was rejected.

I think it is very important to go back to having an appointments process. I think this is a reasonable proposal. Even the United Kingdom has a totally independent commission that deals with appointments. It is totally separate from Parliament. This is a reasonable compromise, and I hope all members in the House give it consideration, because these officers of Parliament, and even the ones who are not yet officers of Parliament, such as the parliamentary budget officer, deserve to have a more neutral process for selection.

Mr. Nathan Cullen: Mr. Speaker, reports out of the government say that it is having a hard time with the appointments process. It is having a hard time finding viable candidates. It is having a hard time appointing people to some really critical positions, like people who run our elections and the auditor General, and on and on, even with lots of notice.

If the process is better, it would encourage and help more candidates come forward. If the process looks like it will be public and potentially embarrassing, the list will get shorter and the quality less.

I know the Liberal House leader is speaking in a bit. This offer is made in good faith. We heard one Liberal suggest a change and another appointments process. We are just starting with the eight officers of Parliament. They are incredibly critical. We want a good process so we can encourage the right people to come forward.

The Harper government first brought in of a broader appointments process, which was a good one. Hundreds of these patronage appointments go out. They get very little vetting and many of them are made along partisan lines, which is very unfortunate. Canadians do not get good value for money with that process.

Hon. Bardish Chagger (Leader of the Government in the House of Commons and Minister of Small Business and Tourism, Lib.): Mr. Speaker, it is my pleasure to take part in the debate today and to speak to the motion by the member for Skeena—Bulkley Valley.

The member is proposing that a subcommittee would have the authority to permanent block any nomination by the government to fill these positions. The proposal would apply to an officer of Parliament, the Clerk of the House, the parliamentary librarian, the parliamentary budget officer, or the Conflict of Interest and Ethics Commissioner.

I obviously cannot support a motion that would allow this small subcommittee the ability to essentially veto the appointment of an officer of Parliament without having it voted on by the whole House of Commons, and in doing so, limit Parliament's oversight of the appointments of officers and agents of Parliament. However, I do believe this is an important debate and one that must be put into broader context.

In February 2016, the government announced a new, more rigorous approach to Governor in Council appointments that would apply to the majority of full-time and part-time positions on commissions, boards, crown corporations, agencies, and tribunals across the country. It would also include officers and agents of Parliament.

[*Translation*]

One of the major differences with respect to our new approach to appointments is that it creates opportunities for all Canadians from coast to coast to coast. All interested Canadians can now submit their applications for the positions posted on the government's appointment website.

● (1050)

[*English*]

For example, the position of the Conflict of Interest and Ethics Commissioner is currently posted on the GIC appointments website for all interested Canadians to apply. The notice of opportunity clearly outlines the education, experience, knowledge, skills, and abilities required to fill this key leadership position.

What is also new is the use of recruitment strategies to attract qualified candidates who are representative of Canada's diversity in terms of linguistic, regional, and employment equity groups, as well as—

Mr. Nathan Cullen: Mr. Speaker, I rise on a point of order, with apologies to my friend for interrupting. I thought I heard something in her opening statement, and this would be important. She said that the motion we put forward today would limit Parliament from being able to vote and being involved with the appointment of these officers. It is clearly in the motion, as we have stated, that Parliament remains the hiring and firing committee of all officers in Parliament.

I do not want the government House leader to construct and perhaps take us down a path that does not exist.

The Assistant Deputy Speaker (Mr. Anthony Rota): I am afraid we are leading into debate here. I am going to have to strike that.

The hon. government House leader.

Hon. Bardish Chagger: Mr. Speaker, I look forward to addressing the concern raised by the member. I have read the motion, and I appreciate the opportunity to debate it in this place. That is exactly what we were elected to do, so I look forward to the discussion of today.

In the context of agents of Parliament, as indicated on the Parliament of Canada website, there are eight agents of Parliament. The Auditor General was first created in 1868. The Chief Electoral Officer was established in 1920. The Commissioner of Official Languages was established in 1970. The Privacy Commissioner and Information Commissioner were both created in 1983. The Conflict of Interest and Ethics Commissioner and the Public Sector Integrity Commissioner were both established in 2007. The Commissioner of Lobbying was created in 2008.

[*Translation*]

Each officer of Parliament is given a unique mandate and carries out the duties set out in the legislation. Each one of them plays a crucial role in our democracy. They also share some common threads that are worth keeping in mind today.

[*English*]

By definition, an agent of Parliament reports to parliamentarians in one or both Houses, but is independent from the government of the day. More specifically, agents of Parliament were created to support Parliament in its scrutiny and oversight of government.

Our government recognizes the important work that agents of Parliament do and how that work must reflect the high standards and accountability that Canadians expect.

Allow me to return now to my earlier remarks about the government's GIC appointments approach.

Applicants who submit their candidacy for appointment to an agent of Parliament position are subject to the government's open, transparent, and merit-based selection process approach, as well as other measures of assessment, all in addition to the already existing statutory and Standing Order requirement for approval by one or both Houses of Parliament.

If I may illustrate this again, using the position of the Conflict of Interest and Ethics Commissioner as an example, candidates for this position must demonstrate, as required under the Language Skills Act, that they are able to speak and understand clearly both official languages.

The Parliament of Canada Act also requires that the commissioner must be one of the following: a former judge of a superior court in Canada, or of any other court whose members are appointed under an act of the legislator of a province; or a former Senate ethics officer or a former ethics commissioner; or a former member of a federal or provincial board, commission, or tribunal who, in the opinion of the Governor in Council, has demonstrated expertise in one or more of the following areas: conflict of interest, financial arrangements, professional regulation and discipline, and ethics.

What does this mean, in practice, for the position and all other agents of Parliament?

It starts with the application process itself. Any Canadian who feels qualified to fill the responsibilities of the position can register online and apply. In fact, if any of my colleagues know any constituents who could be a good fit for one of these positions, I would recommend they be encouraged to apply.

The government is very mindful that we want the best and most qualified people possible for these important roles. This is why each selection process for leadership positions is also supported by a recruitment strategy and the expertise of an executive search firm. This sometimes involves advertising or reaching out to targeted communities, such as professional associations and stakeholders. This process eventually results in the identification of a qualified candidate. There is also a requirement, however, that once the government has identified a candidate, that it consult with the leader of every recognized party in one or both Houses of Parliament, depending upon the legislation.

Let me be clear that under the current process, these appointments must be approved by a resolution of one or both Houses. This resolution is one that all members of this place have the right to vote on whether they agree with the appointment or not and in all instances. The reality is that the motion before us today would take that right away. Not only that, it would essentially delegate this place's power to decide to a small subcommittee composed of only three members of Parliament and the Deputy Speaker.

The House should continue to have the ability to vote on these nominations and allow the recommendations that the current committee makes to inform their vote on the motion to confirm the nomination.

● (1055)

I would like to take a few more minutes to touch on another example which demonstrates the progress that has been made under the new GIC appointments approach.

In August 2016, our government announced a new process for judicial appointments to the Supreme Court of Canada. Canadians were tired of patronage appointments and asked us to do things differently. As a result, we wanted to deliver on a process that assured Canadians that our new approach would be transparent, inclusive, and accountable to all Canadians.

To deliver on this commitment to Canadians, we created an independent and non-partisan advisory board. It was established to recommend qualified, functionally bilingual candidates who reflected a diversity of backgrounds and experiences. This approach respects Canadians and reflects Canada.

In September, following the retirement of Justice Thomas Cromwell, qualified lawyers and persons holding judicial office who wished to be considered for this vacancy were directed to apply to the independent advisory board for the Supreme Court of Canada judicial appointments through the Office of the Commissioner for Federal Judicial Affairs Canada. It is noteworthy that the advisory board was chaired by a former Conservative prime minister, the Right Hon. Kim Campbell, the first and only woman to serve as Prime Minister of Canada.

Those interested in applying were encouraged to first review the statutory requirements set out in the Supreme Court Act, as well as the statement of qualifications and assessment criteria that guided the advisory board in evaluating candidate suitability. Applicants were also told that they needed to complete and submit an application package that included a questionnaire, an authorization form, and a background check consent form.

This process led to the appointment of Justice Malcolm Rowe, a remarkably accomplished jurist, law professor, and lawyer. He also happens to be the first Newfoundlander bilingual jurist to be appointed to Canada's highest court.

This appointment was well received. A glowing profile of a *Canadian lawyer* described him as “A bilingual, empathetic, passionate judge”. His role as a long-time mentor of future Canadian leaders also drew praise.

Grace Pastine, litigation director for the British Columbia Civil Liberties Association, told *The Globe and Mail* that she and others mentored by him were “dazzled by the depth of knowledge he has about how government works, about the legal and political history of Canada, and particularly Atlantic Canada.”

The objectives of our approach with Justice Rowe's appointment have guided all judicial appointments by my colleague, the Minister of Justice. This reflects our government's emphasis on transparency, merit, and diversity. We will continue to ensure the appointments of jurists who meet the highest standards of excellence and integrity.

This is a good illustration of our approach to all GIC appointments. We must ensure the process is open to all Canadians, providing them with an opportunity, should they be interested and have the required qualifications, to participate in government organizations and make a contribution to Canada's democratic institutions by serving as GIC appointees.

Transparency in the process is crucial. We ensure clear information about the requirements and steps involved in the selection process is readily available to the public. This helps us reach as many Canadians as possible and attract a strong and diverse range of highly-qualified candidates. Decisions on appointments, I should add, are publicly available.

The selection process is also based on merit. It is designed to identify highly-qualified candidates who meet the needs of the organization and are able to perform the duties of the position to which they would be appointed.

It seeks individuals who have the qualifications, and I am talking about education, experience, knowledge, skills, abilities, and personal suitability to fill the position. We also ensure they meet any statutory and/or other conditions.

Finally, we look for diversity. Our recruitment strategy seeks to attract qualified candidates who will help to achieve gender parity and reflect Canada's diversity in terms of linguistic, regional, and employment equity groups. By that I mean indigenous Canadians, women, persons with disabilities, and members of visible minority communities, as well as members of ethnic and cultural groups. With few exceptions, the government seeks to appoint bilingual Canadians to Governor in Council positions.

The Prime Minister made a personal commitment to bringing new leadership and a new approach to Ottawa. He committed to set a higher bar for openness and transparency in government. He committed to a different style of leadership, a style of leadership demanded by Canadians.

● (1100)

I have underlined the important roles that appointees play in our democratic institutions and I must once again point out that the motion put forth by the member opposite is fundamentally flawed. It tries to give a small subcommittee the ability to veto the appointment of an officer of Parliament without having it voted on by the House of Commons, and it thus limits the ability of all members in the House to have a say in the government's nomination of agents and officers of Parliament.

We were all elected to represent Canadians and we must all vote. The motion, as presented, would provide for an environment that could add an additional requirement and lead to delays for these appointments of important officers and agents of Parliament. Our government has committed to ensuring that all Canadians have the opportunity to serve their country through Governor in Council and other appointments.

I again encourage members of the House to promote these opportunities within their constituencies and encourage any Canadian who can add value to apply for opportunities across our institutions, including officers of Parliament.

[*Translation*]

I cannot emphasize enough that our government recognizes that tough regulations increase public confidence in their elected representatives, our public policies, and the decisions we make in the House.

[*English*]

Agents of Parliament represent key pillars of our democracy. They play a central role in helping us as parliamentarians to hold the government to account. This process works. Now that this new approach is hitting its stride, we will continue to see high-quality appointments being made to the judiciary, boards, and positions of leadership, including officers and agents of Parliament. Already this process has allowed us to make 170 merit-based appointments, of which 70% are women, 12% are visible minorities, and 10% are indigenous. This is a clear demonstration that we have put forward a process that reflects Canada.

I look forward to future appointments that will add to the diversity all Canadians expect their government to reflect in its appointments.

Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC): Mr. Speaker, I wonder if the government House leader has misread the motion. She expresses concern that a subcommittee with three members would be able to override the will of the House, but, as I understand it, the subcommittee, consisting of a nominee from each of the three recognized parties, would meet, discuss the proposed nominee, and then report back to the House, either in favour of or against, at which point there would be either an automatic concurrence debate, or else a non-concurrence debate on a recommendation against appointing a candidate.

Let us imagine Madame Meilleur being nominated and the committee rejecting her. The recommendation would be submitted to the House, there would be a concurrence debate, and the House could then refuse to accept the report and vote against concurrence. That would then allow the government to go forward, as I understand it, but perhaps the member has read this differently from the way I have.

It would merely have some moral weight, which is not a bad thing. It would serve as evidence for or against whether the proposed nominee has broad support, and that might damage the legitimacy of the candidate's candidacy, but as I understand it, the House retains its sovereignty.

Have I read this wrong, or has she?

Hon. Bardish Chagger: Mr. Speaker, it is true that oftentimes it is within the details. That is why it is important that we debate this important topic. It is a matter that we take seriously as a government, because we know that the appointment process needed to be improved, and that is why we brought in a new merit-based appointment process.

If we look at the motion before us today, we see that the end of it says, "Immediately after the presentation of a report pursuant to section (3) of this Standing Order which recommends the rejection of the appointment, the proposed nomination shall be deemed withdrawn." That is what I am referring to. If the subcommittee makes a recommendation one way or another, it is the prerogative of the committee. I could understand that, but the vote in this place matters. Every member of Parliament deserves the right to vote. I can understand that we cannot always agree, but for members to be able to register their vote is important, and that is the point I am raising.

● (1105)

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, the government House leader appears incapable of understanding the motion that is in front of us.

In section 3, we see "...shall be presented to the House at the next earliest opportunity as a report of that Committee." In section 4, we see "which shall stand in the name of the Leader of the Government in the House of Commons under Notices of Motions". That is where the House of Commons then votes on the appointee for the position of officer of Parliament.

What part of this does she not understand? She said she read the motion and understands the motion, yet she rejects it based on this.

Here is the hopeful thing: if her main contention is that this motion prevents MPs from voting on the appointee and if that is her problem with the motion, then I am happy to remove that problem for her, because the motion in several instances talks about how once it comes from the subcommittee, it comes back here for a concurrence motion and the entire House of Commons votes on it.

In my 20-minute speech, I mentioned five or six times that Parliament hires and Parliament fires the officers of Parliament. That is who they work for. That is what the motion confirms.

As for the process as it is right now, I cannot believe that the government is expressing confidence in its appointments process. Ask Madeleine Meilleur how that went. Ask about the delay upon delay of all of these appointments. I read the list of the upcoming appointments that are yet to be made, and most of them have been vacant for months and months.

The Auditor General, the Ethics Commissioner, the Commissioner of Lobbying, the Information Commissioner, the parliamentary budget officer, the language commissioner are all delayed because of the government's inability to appoint people properly. The most recent example shows what a disaster it was.

This motion allows for a vote in Parliament. Does the government House leader understand that? If she does, will she not support it? It is a simple question.

Hon. Bardish Chagger: Mr. Speaker, it is perhaps a simple question but it was quite the loaded preamble. It is unfortunate that members in this place who have the experience that he has do not rise to be able to have a respectful debate. I did not appreciate the member's opening comment labelling people as incapable and so forth. I will put that on the record.

I think we can have meaningful conversations. I think it is important that we have this debate. Something I said within it was that when it comes to the appointments process, over 170 appointments were made of great Canadians and well-qualified people.

When we want to change and improve the way we do things in this place, it will take time. It is important that we engage with Canadians and allow them to be able to apply. It perhaps might be difficult for some people to understand that we are making good appointments and that is why we want to have—

Some hon. members: Oh, oh!

The Assistant Deputy Speaker (Mr. Anthony Rota): Order. I was calling order to keep everyone quiet, but the member for Skeena—Bulkley Valley has a point of order.

Mr. Nathan Cullen: Mr. Speaker, I just heard the government House leader at the beginning of her comments say that I had somehow demeaned her in some way in saying she did not understand the motion. She then ended her comments by saying I am incapable of understanding this and demeaning it itself.

All we are trying to debate here is the facts of the motion. She has misunderstood the facts of the motion. She continues to repeat—

The Assistant Deputy Speaker (Mr. Anthony Rota): I believe we are back into debate again.

I will let the hon. government House leader finish up.

Hon. Bardish Chagger: Mr. Speaker, I think we can have a good conversation, and what I was trying to say—and my intention was not to offend the member—was that we will have differences of opinion and it is important that we raise them so that we can improve the system and the process.

We have made great appointments. When it comes to Madeleine Meilleur, no one challenged her experience or her expertise. She has worked hard on behalf of all Canadians of all political stripes. What we are not able to do in this place is get above partisanship. Part of the comments that the member made were in regard to that, so that is what it comes down to: an open, transparent, merit-based process.

It is important that all members be able to vote, and I look forward to working with the member to see what can be done. I have always kept my door open and I always will.

● (1110)

Mr. Anthony Housefather (Mount Royal, Lib.): Mr. Speaker, I have to tell the hon. House leader that I have the same confusion I think she does about the motion.

My colleague referred to section 4, which says, "Immediately after the presentation of a report pursuant to section (3) of this Standing Order which recommends the approval of the appointment" and then states the procedure that leads to a vote.

Then in section 5, it says the reverse. It says, "Immediately after the presentation of a report pursuant to section (3) of this Standing Order which recommends the rejection of the appointment, the proposed nomination shall be deemed withdrawn." It sounds to me that there is a distinction between section 4, where there is a recommendation for approval and then there is a vote, and section 5, where it is simply deemed withdrawn after a motion.

Perhaps I have misunderstood, but perhaps the House leader would agree with me that this motion is badly drafted if the intention is to have a vote on section 5.

Hon. Bardish Chagger: Mr. Speaker, I appreciate that. It is why it is important that we read the motion before us, scrutinize it, and have this debate. That is exactly what we were elected to do and that is where my concerns are coming from.

What I know is that it is important that members of Parliament—all elected to represent their constituents and all of us combined representing the best interests of this country—have a vote. That is why I believe the current new, open, transparent, and merit-based process is a good process. I believe members can help improve that process. Constructive feedback is always welcome. I have said that time and time again.

That is why the process that we brought forward is in direct response to what Canadians were demanding. They were tired of the way previous parliaments have functioned, so we wanted to bring in a new process whereby Canadians have the ability to apply and to say, "I have the qualifications. I want to serve. I want to apply." They are able to make that decision.

That is why I say to all members that if they have constituents who they know are interested and qualified, they should encourage them to apply for these positions. That is how we will continue to ensure that we are representing the best interests of Canadians, that we are representing and reflecting the diversity of this country and ensuring that two official languages are always present and are looking at gender parity and so forth.

I know we can work better together, and that has always been my endeavour.

Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC): Mr. Speaker, I listened with interest to the last exchange. I might encourage my colleague from Skeena—Bulkley Valley to listen in on this as well.

The government House leader, supported by the member for Mount Royal, raised concerns that this would give a kind of veto to the subcommittee. My colleague from Skeena—Bulkley Valley has made it very clear that this is not the intention of this motion. Rather, the motion's intention is that there would be a moral weight given to the concept of genuine consultation via this subcommittee, but its advice would only be advisory and the House ultimately would determine the outcome.

There is a way to make it absolutely 100% clear that the fear expressed by the government House leader is not what is intended by this motion, and it is to do the following. It is to make an amendment to the motion in the following manner, and I invite the House leader to listen to this because I think this will answer her questions. I will not actually make a motion for an amendment; I will simply put the thought out there so that others can make a motion for an amendment a bit further on if it seems appropriate.

I would suggest that paragraph (4) be amended so that in the second line of paragraph (4), after the word "appointment", the words "or the rejection of the appointment" be added in, and that in paragraph (5), where it says "(3)", that be struck out and "(4)" be put in. What that would do is change it so that the motion would then read in paragraph (4): "Immediately after the presentation of a report pursuant to section (3) of this Standing Order which recommends the approval of the appointment or the rejection of the appointment, the Clerk of the House shall cause", and then it would remain the same.

The Assistant Deputy Speaker (Mr. Anthony Rota): I would like to know if the hon. member is proposing an amendment. I just want to make it clear.

Mr. Scott Reid: No, Mr. Speaker, I am not actually proposing the amendment at this time. I am merely putting it out as a thought that might be suitable.

The Assistant Deputy Speaker (Mr. Anthony Rota): We were just questioning for ourselves on this side. I thank the member for the clarification.

● (1115)

Mr. Scott Reid: Mr. Speaker, that is a very reasonable concern for you and the clerks to have. It is just a suggestion that might make sense. I do not see any point in moving forward unless the mover is agreeable to it and it would cause the government to change its direction. The government has stated that its objection to this is purely that it gives a veto to the subcommittee. I am not sure they are right in their reading of the rule, but they have indicated exactly the basis on which they say this veto exists and the amendment would allow that objection to be taken away. This would allow us to test the sincerity of the government's resolve.

As I mentioned, section (4) of the new standing order would be worded slightly differently. Section (5) would make reference to section (4), and would accomplish the goal. However, if I have misdrafted it, because I did this very much on the fly, it gives an opportunity for others here, particularly the mover, to make a superior amendment to the one I am suggesting for the purposes of answering the concerns expressed by the government House leader. That was the purpose of what I had to say.

With that, I will move on to my prepared text. First, Mr. Speaker, I will be splitting my time with the member for Barrie—Innisfil, so I have, at this point, six minutes left, and he will be carrying on with his own comments.

I also want to talk about the scope of the proposed amendment to the standing order and exactly to whom it would apply. There are a number of officers of Parliament: the Commissioner of Official Languages, the Conflict of Interest and Ethics Commissioner, the Chief Electoral Officer, the Auditor General, the Privacy Commissioner, the Information Commissioner, the Commissioner of Lobbying, and the Public Sector Integrity Commissioner. All of these individuals would be covered, as well as the parliamentary budget officer who, if the budget implementation act is approved, as it almost certainly will be, will become an officer of Parliament. However, the position is named separately in the motion, just in case that does not happen. The clerk of the House of Commons and the parliamentary librarian are also covered.

These are all individuals who are acting in a manner where they are deciding upon the rules of this place. It is reasonable that there should be the support of all parties. This way of dealing with these appointments is reasonable. It is not the only way, and it may not be the best way if one is trying to conceive of the best way.

About a decade ago, when we were preparing the Conservative Party's platform for the 2006 election, I pushed very hard and was successful at getting implemented in our party's platform another system for appointing officers of Parliament. It was to be by means of a secret ballot in the House of Commons, much in the way we elect the Speaker. That made it into our election platform. After he became prime minister, Stephen Harper took up the idea with the then Liberal House leader, the current Minister of Public Safety. The Liberals said no, that we do not do that sort of thing, secret ballots, around here, and they rejected it and refused to move forward. Had that been adopted at that time, had it not been resisted by the then Liberal opposition, we would have that system in place and events like the kerfuffle over Madam Meilleur's proposed appointment would not have happened.

Is that superior to the proposal before us? Is it superior to what we suggested a decade ago? I am not sure, but what has been proposed by hon. colleague from Skeena—Bulkley Valley is far superior to the status quo, and it might well be superior to what I proposed a decade ago.

Going through the specific items in the motion for the proposed changes to the Standing Orders, on the whole, this is a very sensible way of covering it. Section (1) deals with all of these officers of Parliament. That is the reasonable universe that ought to be covered, so I agree with that.

The subcommittee of the Standing Committee on Procedure and House Affairs is a reasonable place to put these things. The procedure and House affairs committee is the committee that deals with these kinds of procedural matters, appointments, review of appointments, and so on, so that is the right place for it to go.

● (1120)

A subcommittee would draw upon the senior individuals who are members of the procedure and House affairs committee, but the committee itself would not be tied up, as it can be, over some area that is going to draw it away from its other business. It has to deal with reviews of the election, legislation, items of privilege, and so on. Therefore, it is reasonable that this would go to a subcommittee.

The structure of the subcommittee involves all recognized parties, which is different from unanimity. This is, again, a reasonable level at which to set it. We can have a debate and we have had debates in the past over whether, with respect to recognized parties, the net should be cast more widely. Right now, the Bloc is left out because it does not meet the 12-member criteria. However, that is a separate debate from the debate over using recognized parties.

This essentially says the major players would be involved because, let us face it, we are mostly elected as members of parties. We all understand that it is very difficult to get elected as an independent. Nobody, in fact, was elected to this Parliament as an independent. It is reasonable to say that this is a way of aggregating the various interests, the legitimate interests that are involved. I agree with that, as well.

On the issue of a report that comes back, on the whole, the way in which the report comes back, either positive or negative, is very reasonable. That is section (3) of the proposed change to the Standing Orders. The subcommittee reports back to the House. Presumably, the actual report would come from the chair of the procedure and House affairs committee, not from the subcommittee chair, but that is a reasonable way of sending it back. Then the House makes the final decision.

We cannot override statute here. The fact is that with the way the statutes are designed, the House of Commons and the Senate are the two bodies that make the decision to approve an appointment. That would not change. I suggested an alternative wording as a possibility and I leave that for others to discuss as we go forward.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, I thank my friend for his constructive intervention in the debate. What is strange to me is that the current process we have right now for officers of Parliament is that some folks in the Prime Minister's Office decide on somebody, they drop the name forward, and Parliament only gets to vote on that person. That is it.

We are suggesting a process whereby parliamentarians are actually engaged and we do a little checking to make sure the person is able to do the job, not just by qualifications but also by not being in a conflict of interest by being partisan.

I want to address this point specifically, and then I will ask a question. His suggestion, as I understand it, is that even if under our process this appointment goes to a subcommittee and the subcommittee looks at the person and says it cannot accept him, the government still wants to have a parliamentary vote on a rejected candidate. That is what the government is suggesting. My friend has tried to move an amendment, rather than what the government House leader did, which was to say, "I don't like this. We're just going to vote against all of it." That is a non-constructive way to go about doing Parliament, but that is the path the government has chosen, and it can pat itself on its back for its amazing appointments process that is working out so well.

I would say that while it is a small change, it is an important change. There may be other considerations that go on. We are open to the discussion of improving any motion we put forward, particularly if we then hear from the government. The only concern the government raised was this aspect of the motion. If that concern were to be removed, it would be very interesting if the next government speaker was able to get up and offer opinions on my friend's consideration, because I think that would be actually constructive, which is what we are meant to do here in Parliament.

Is it okay if we just take some time to take a look at the language he is suggesting and make sure that over a five-part amendment, it all makes sense together? Certainly we are open to the conversation and look forward to hearing similar openness from our Liberal friends.

Mr. Scott Reid: Mr. Speaker, I too am anxious to hear from the government side, so I will be very brief in my response in order to leave the Liberals time to ask a question or offer a comment.

I would simply say that the wording I came up with was done very much on the fly. I was trying to speak to my hon. colleague and it turned out my time to speak had started and I was unable to run the suggested wording past him. It is purely a suggestion. It is the end I am seeking, which is to ensure that the committee does not have a veto, that the government can, in fact, if it has a majority, override it and cause the appointment to have the consideration of the House of Commons. I am sure that wording can be found that accomplishes that in such a way as to relieve all the concerns expressed by the government House leader.

● (1125)

[*Translation*]

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, I thank my colleague for his constructive input into this discussion. I am wondering whether he agrees that there is a problem with the new appointment process. Even though the process is new and the government has nothing but good things to say about it, there were problems with the most recent appointment.

Does my colleague agree with the government that the situation is perfectly satisfactory, that everything is fine, and that there is no problem with the appointment process? Does he believe that the appointment in question should have taken place and that there is no room for improvement?

I would like him to comment on the government's response, which seems to completely ignore the problem and the risk of more problems down the road.

Mr. Scott Reid: Mr. Speaker, we are not allowed to sing in the House of Commons, but the best answer to my colleague's question comes from the animated film *The Lego Movie*.

[*English*]

The words from *The Lego Movie* are, "Everything is awesome, everything is cool". Everything is not awesome. This is not the be-all and end-all. There is a requirement for consultation. Clearly consultation involves the ability to say no. We all understand that, and that has to happen.

This has happened in other areas. The Speaker was at one time appointed with pro forma consultations with other party leaders. That changed into real consultations and finally to elections. We are clearly on our way through that process. I would be happier if the government did not have to be dragged along, kicking and screaming. It would be more dignified, but I am hopeful that in the end we will achieve genuine consultations on the appointments of officers to Parliament.

Mr. John Brassard (Barrie—Innisfil, CPC): Mr. Speaker, I want to thank my hon. friend for splitting his time with me today. I will admit that I might not speak to this issue with the laser-like precision of my hon. colleague, but I will certainly speak to the point.

On the surface, the point of the motion appears to be a reasonable attempt by my NDP colleague to clarify or bring into question a more transparent process. However, at this point we are still assessing the situation. We heard from the previous speaker that there may be some discussion with respect to a potential amendment coming forward.

Why are we dealing with an NDP opposition day motion to make the selection of officers of Parliament a more open, inclusive, and transparent process than clearly has gone on in the recent history of this Parliament? It is because the House of Commons was paralyzed over the course of the last three or four weeks, as was the Senate, with the appointment of Madam Meilleur. That became an important issue because of the government's talk about its open, merit-based, and transparent process for appointments. This one was anything but.

Madam Meilleur had donated thousands of dollars to the Liberal Party in the last election. She was an Ontario Liberal cabinet minister. She donated to the Prime Minister's leadership campaign. We were dealing with the official languages commissioner position, which is a non-partisan independent officer position selected by and in consultation with Parliament. In the case of this appointment, anything but had happened. As a result, because of the attention of the opposition and media to this issue, Madam Meilleur was forced to step away from the appointment process. She did the right thing because her credibility certainly would have been tainted had she been appointed.

However, it speaks to the broader issue of the fact that the government thinks it can do anything it wants around here. I believe the government floated a trial balloon with respect to this appointment process, and I have said that publicly. The reason why those other officers of Parliament positions had not been filled to this point, in spite of the fact that the government has known for months and in some cases even a year that those positions would be vacant, was because it was trying to see if it could put a partisan Liberal person into what was typically a non-partisan independent position of Parliament. Had this been allowed to occur, we would have seen the dominoes fall on these other positions. I believe, as I believe members on this side of the House do, that we would have seen Liberal Party donors and insiders being proposed as appointments to those positions of Parliament.

I will give the hon. member for Calgary Shepard credit for often saying that what the Prime Minister and Liberal government were looking for was not an opposition but an audience. The same would have been true for the officers of Parliament positions. They are the ones who hold the government to account on spending, on ethics, on lobbying, on elections, and so forth. Historically, like the opposition, they have played a very important role in Parliament with respect to consultation on the appointments of these officers of Parliament.

● (1130)

Earlier, the government House leader talked about this open and transparent merit-based process. The Liberals are using these talking points, saying that they have somehow changed the system to make it more open, more transparent, and more merit-based. However, we are seeing, and the Meilleur example is just one example of several, Liberal donors, Liberal insiders and Liberal Party members being appointed to these important positions.

I will give the House a few examples.

Jennifer Stebbing was appointed to the Hamilton Port Authority. She was a former Liberal candidate for Flamborough—Glanbrook. She has already announced she will seek the Liberal Party of Canada nomination in 2019. Johnna Kubik, a federal judge, donated 26 times to the Liberal Party of Canada. Mr. Francis McGuire, who was appointed to the Atlantic Canada Opportunities Agency, donated 23 times, totalling $30,000 to the Liberal Party of Canada. This is what we are up against.

For all the talking points, for all of the talk about merit-based and being open and transparent, the Liberals are back to being exactly like the old Liberals. They want people's money and they will think about putting them in a position. That does not work when we talk about independent, non-partisan officers of Parliament. They are independent for a reason.

It is not so much merit-based as it is amount-based. How much does one give to the Liberal Party of Canada for consideration of appointment to one of these positions? We have heard the narrative change. The Liberals are talking now about positive politics, that they are doing things differently. It is anything but that right now.

Why is this important? It is important because it is imperative that those people tasked to watch over the actions of the government have liberty to act freely and to tell the government when it is right and when it is wrong. Oversight is about that.

The officers of Parliament must also be able to tell the Prime Minister and the government when they need to meet, not the other way around. The shroud of secrecy of when the Prime Minister meets with the Conflict of Interest and Ethics Commissioner must be torn away and with it the ability of the Prime Minister and his friends in the PMO to set the agenda of not addressing these types of complaints. There has to be a level of independence.

Those who sit in the PMO are so out of touch that they do not hear how the answers sound penned and muted, and how it can be so unbelievable that a simple question cannot be answered simply. We see that all the time in this place.

The motion before us today would do two things.

First, it would give the Prime Minister time to reflect on his ways. This is not about "sunny ways"; it is about a fair way by which officers of Parliament are selected and given the opportunity to serve Canada in a manner suited to the position.

Second, the motion would allow the Prime Minister and his friends in the Langevin Block to be aware that we are the opposition and that other Canadians are watching. They will be watching to see if he, his staff and cabinet understand that Parliament has a job to do and so do the officers of Parliament. Let them do the job they are asked to do.

The year 2019 is much closer than the Prime Minister thinks. If the Liberals continue down the path of this partisanship, of the appointments of Liberal insiders, party donors, donors in cash-for-access schemes, Canadians will remember that. If they are not thinking about it, certainly those of us in the opposition will remind them of the fact that the Liberals are back to their old ways.

● (1135)

Mr. Mark Holland (Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, this is the problem I have. Let me take the specific example of the RCMP public complaints commissioner.

I remember Paul Kennedy. He was tough. He asked hard questions of both Liberals and Conservatives. People knew he was going to give them the straight goods. He was thrown out by the Conservatives. He was replaced by somebody with no experience whatsoever in that domain. His only experience had been the fact that he was involved in ancillary matters that had nothing to do with the RCMP, but he had been a big Conservative donor. That is just one example.

We could talk about the partisan appointments, the raft of them that the Conservatives made at the end of their mandate. To the hear the sanctimony from the other side is a little rich.

Somebody being involvement in public office should not preclude he or she from further public service. However, what the individual must demonstrate is aptitude, capacity, ability, and experience within the domain he or she are in. The fact that somebody once donated to a party is not the point.

Let me ask the member opposite about the scores, the mountain of appointments of individuals who were appointed without qualification, without relevant experience, and who had made Conservative donations. How does he square that against the comments he has made today?

Mr. John Brassard: Mr. Speaker, one needs to look to the words of the member's own Prime Minister, about how he said he would do things differently, that it would be open, transparent, and merit-based. However, the government has proven to be anything but. If we look at the list of those appointments, many of them are Liberal insiders, Liberal donors, Liberal cash-for-access attendees, yet the member puts blames on another government. That is what Liberals do. They do not accept any responsibility. All they do is blame others.

When the Liberals say they will do something differently and they do not, the easy thing to do is to play the blame game. They are blaming everybody else. They should accept responsibility. That member knows I am right.

[*Translation*]

Mr. Matthew Dubé (Beloeil—Chambly, NDP): Mr. Speaker, I thank my colleague for his speech.

What is interesting about the process and what members are forgetting is the argument that the Liberals have often used: since many Canadians are politically active, will they all have to be disqualified because they participated in politics in some way in the past?

To come back to Ms. Meilleur's case, she was an MPP and minister less than a year ago. She did not even complete her term in office. She could therefore have been appointed to a position by the Prime Minister while she was, in theory, still finishing her term as an MPP, a position that she left for family reasons.

I do not want to focus on just one case, but I would like to come back to the comments that my colleague just made about blame. It is easy for the Liberals to rise and talk about the past. However, we, in the NDP, have a concrete suggestion to try to improve the process and prevent this sort of thing from happening again.

Could my colleague elaborate on the importance of accepting that both the Conservatives and the Liberals have made mistakes in the past and of moving forward with a sound process? That would save candidates a lot of embarrassment, and it would ensure that we have quality candidates that all parliamentarians approve of, candidates who would be in a position to properly serve Parliament and Canadians.

● (1140)

[*English*]

Mr. John Brassard: Mr. Speaker, at the onset of my comment, I said that, on the surface, what the NDP was proposing seemed reasonable. When we look to fill the positions of officers of Parliament, it is very clear those positions should be non-partisan.

In the case of Madam Meilleur, the member is quite right. She indicated that she wanted to spend time with her family. Then, all of a sudden, the ball started rolling. She met with, and she admitted this, members of the Prime Minister's staff, namely Gerald Butts and Katie Telford, trying to do a back-end loop into the position.

It is important we be open and transparent and that members of Parliament are involved in the process. What the NDP is trying to propose sounds very similar to the type of process that perhaps goes on in the United States when it vets cabinet secretary positions.

The more open, the more transparent, the less likely it is for Liberal influence in these matters. That will best serve Parliament and best serve Canadians.

Mr. Daniel Blaikie (Elmwood—Transcona, NDP): Mr. Speaker, I want to mention at the outset that I will be splitting my time with the member for Vancouver East.

I am pleased to rise to what I think is a very timely motion addressing an issue that has been preoccupying this place for a number of weeks, particularly surrounding the nomination of Madame Meilleur to the post of Commissioner of Official Languages. That was an example of partisanship gone completely amok. It is not quite clear from members on the other side of the House what the line of argument is in terms of its justification.

Sometimes it sounds as if they are saying there has always been partisan appointment, so it is okay and we should get over it. We are all just supposed to pretend that is okay. Then there are other lines of argument that say perhaps slightly more compellingly that people should not be penalized for their public service in the past. I think it is the case that people who have served publicly and in partisan roles in the past can occupy some posts—not as independent officers of Parliament, though. There is a much higher threshold.

Partisan appointments of people simply not qualified for the job are not okay at any time. Sometimes it may be that people have served in a partisan role before but they are qualified for a particular position and have demonstrated that they can act in non-partisan ways, and that may be acceptable for some positions. There are a lot of different positions to which governments appoint, but to pretend that someone that partisan, who is still actively partisan, who used partisan connections to be nominated for a post, and that post is not just any of those government appointments, but is meant to serve not the government but Parliament, as an independent officer, is too much. The government has made many appointments, some of which have been Liberal partisans, and these appointments have not preoccupied the House for weeks at a time.

That one was particularly offensive because of the extent of the partisanship and the particular role that person was being nominated to serve. This motion tries to ensure that, for those roles that are for positions that are meant to serve Parliament independently, and not the government in its mandate, there be an appointment process that meaningfully consults the opposition. That is in the legislation for the Commissioner of Official Languages, that there be consultation, but there are no mechanisms to specify what gives meaning to that consultation. We saw that, and we know from testimony by the House leaders of the two recognized official opposition parties and their leaders that they were not consulted, that they got a letter saying this is a *fait accompli*, that the government wanted them to know, and that we were moving on.

That was problematic because I do not think that was intended by the legislation in the first place, so there is a question of the spirit of the law. It also was problematic because at the end of the day it did not work. The provisions in that legislation that say the opposition parties have to be consulted in order to appoint independent officers of Parliament are not just about some letter of the law; they are about garnering the appropriate moral authority for the appointment that the government wants to make, so that person can be seen by all parties in this place as someone who can be respected and independent in the role.

What that consultation provision means is that it is incumbent on the government to come up with a nominee who receives the approval of those other parties, so that person can perform the role. In the absence of that approval by opposition parties, that person will not be able to fulfill the role. In fact, what the events of the last week or so have shown us is that the person may not even be able to be successfully appointed to that role, because any potential nominee with any integrity and credibility would know that, by the time the nomination process blew up that badly and the opposition parties were that opposed to the appointment to that position, the nominee would not be able to do the job effectively. If the nominee cared a whit about the office to which he or she were nominated to be appointed and the function he or she would be asked to perform in that office, the nominee would have to withdraw. It is a shame on the government that the nominee had to make that call because the government was either too blind or too partisan to see it.

Congratulations, finally, to Madame Meilleur for having seen that she was never going to be able to do the job that she was being asked to do. Shame on the government for not realizing that fact itself and for pressing on, for whatever reasons it had, which are still unclear, and insisting that someone who clearly would not be able to perform the role of an independent officer of Parliament be appointed to that role anyway.

● (1145)

It is surprising to me, frankly, that a lot of members who were elected under the Liberal banner of change, transparency, and accountability, many who did not know Madame Meilleur or have any idea of her existence, would be willing to put their privilege of representing their constituents on the line in the next election to defend the PMO's attachment to Madame Meilleur. That has been interesting for me: the extent to which Liberal backbenchers were willing to rally around a person they did not know, simply because she had a personal relationship with Gerald Butts. That is quite unfortunate and speaks volumes about the extent to which Liberals really need to come around to the responsibility of their own office.

What New Democrats are trying to do with this motion is provide a way for Liberals to do that, because their own government refuses to do so. It would be a good idea for them to rally behind this kind of motion that would help take the politics out of these kinds of appointments by ensuring that the meaningful consultation already foreseen in some of the legislation for these positions is given teeth and that there actually is opposition agreement before the nominations go forward. That would make life easier for them, as they would not be putting their political credibility on the line for the sake of the personal relationships of staff in the PMO. If I were in government, I would certainly appreciate not having to do that, and I would be uncomfortable having to do that. Liberals have been doing that very publicly for weeks and are only now not doing it, to the extent that they are not, because Madame Meilleur herself had the wherewithal, finally, to withdraw her own nomination.

I recommend this to Liberals as a way to solve a problem that their government is creating for them at home in their own ridings, whether they realize it or not. It is similar to the problem that was created when they borrowed the cash for access schemes from the Wynne Liberals in Ontario. When they decided to import that practice here and grant preferential access to government in exchange for high-price tickets to fundraisers, it was something they did that I am sure many of the Liberal backbenchers did not foresee and did not think they were coming to Ottawa to defend. This is not necessary in order to ensure the survival of the Liberal Party and make sure its coffers are full. There is a lot of potential for them to get legitimate donations and not sell access to ministers in order to raise money, so why many backbench Liberals are willing all of a sudden to get behind it and call it an acceptable practice, I do not know.

New Democrats are offering them an out for at least one of their problems. What we have heard today is that they are not interested. Why is that? I do not know. First, the government would have the power of nomination, which is a considerable power. The only people who would be discussed for these positions are those who are, in the first place, put forward by government. That is a significant influence the government would have on the process. This is hardly throwing up their hands and leaving it to opposition parties to decide who will be in these positions.

Second, if the committee accepts the government's recommendation, Parliament has the opportunity to affirm it or reject it with a vote. The idea behind a rejection of a nomination not coming to Parliament is simply to show that it is incumbent upon the government to work well enough with opposition parties in advance to find someone on whom all parties can agree. It is not consensus at the committee, either. Whether there are three, four, or five recognized parties, it is a subcommittee. It has to vote on it. Even if a majority of the government and opposition parties agree on a candidate, it will go forward, there will be a vote, and presumably the party or parties who did not agree will get to express that in the House. That is the point of the vote.

It does not require unanimity between the government and opposition parties. All the motion says is that the government has to work with at least enough opposition parties that one other party agrees with it. That is not a high threshold, but it is better than what there is now, where it is the House leader who will be determining it. The Prime Minister has recused himself from naming the next conflict of interest commissioner, as if that were a high watermark for integrity, and handed it over to the very person who defends him every day in the House when we talk about his ethical lapses. However, I digress.

Suffice it to say that this would be a much better system than what we have now and a step in the right direction. I hope at least the Liberal backbench sees fit to support it.

● (1150)

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Mr. Speaker, it is too bad there is not even a quorum in here to hear, from the government side, this great and important motion that my colleague's party has brought forward today. One of the things that troubles me the most about this whole partisan appointment thing is the lack of openness and transparency we have seen through this whole thing, from the heritage minister contradicting testimony from Madame Meilleur and contradicting what the opposition parties have said about not being consulted, to the evasion of answering any of the questions that we have brought to this. Openness and transparency are fundamental to making sure we have a non-partisan, independent oversight. Could the member elaborate on how the recommended new process would make things more open and transparent to Canadians?

Mr. Daniel Blaikie: Mr. Speaker, part of the trick of having a truly transparent and open process is involving the other parties concerned in a meaningful way, so that in their decision-making they have the information they would need, and this is foreseen by that, and that there is an appropriate forum for real discussion, so that when there are disputes it is not just, "We sent you a letter and you got the information". If we do not like it, what are our options then? The options are to raise it in question period, to raise it in supply day motions, or to take it to the media. However, at that point that is not a real consultative process. That is then an airing of grievances about a process gone wrong.

Establishing a subcommittee would create a forum for discussion and provide the information that people from all parties would need in order to be able to assess the qualifications and the independence of these folks. I would remind the House again that this is about appointing independent officers of Parliament, people in positions meant to serve all of Parliament, not to implement the mandate of government. That is an important difference. I do think that this proposal in its very nature would lend itself far more to openness and transparency, something we have yet to see.

Ms. Linda Duncan (Edmonton Strathcona, NDP): Mr. Speaker, what is critical is that our motion today deals with simply the officers of Parliament. I am concerned as well with all appointments. Pro forma, other appointments are to be referred to a committee, but with a majority Liberal government I do not think that, so far, my committee has reviewed a single appointment, which is what we are supposed to be doing as parliamentarians.

We are talking about officers of Parliament, which include the Auditor General, and under pressure the government finally agreed to make the parliamentary budget officer also an officer of Parliament. These are officers who advise everyone in this House. Every member of Parliament, including all of the Liberal members, is accountable for holding the government accountable for spending. Does the member not agree that it is absolutely critical that we have independent, qualified analysis so that we can deliver one of our most critical roles, which is to hold the government accountable on spending?

● (1155)

Mr. Daniel Blaikie: Mr. Speaker, the short answer to my colleague's question is yes, it is important. However, an important aspect of that independence and getting that independent advice—aside from the person's qualifications and aside from whatever the person's background is, preferably less as opposed to more when we are talking about an independent officer of Parliament—is also the trust of parliamentarians on all sides of the House. That is someone to whom parliamentarians are going to be going. Parliamentarians are going to be, in some cases, providing the officers information about what they are doing or thinking, which they want to remain confidential. The parliamentarians want to know that they are getting objective advice that is not designed from the outset to protect a particular party. In this case that would be the governing party, and in most cases it would be the governing party because it controls that appointment; at least, that is how it is right now.

What is foreseen in this motion is an attempt to not just get the best-qualified candidate, although that is important, and to not just to assure candidates' independence in the sense of seeing what their background was and whether it is credible to think that they can act independently. The point of that is so that all members of this House, regardless of what side they sit on, can trust that officer with the information they are going to provide in order to ask the questions that they want to ask and also to trust that the information they are getting back is not designed or does not have information left out in order to protect the interests of any one particular party. Trust is the important thing. We saw that break down with the Meilleur nomination. All members could see that as a result of a lack of trust, that person was not going to be able to perform her duties.

Ms. Jenny Kwan (Vancouver East, NDP): Mr. Speaker, it gives me great pleasure to enter into debate on this important opposition day motion. Why do I say that? We are talking about independent officers of this House. What is the role of the independent officers? Really, the role is to ensure that the job and the mandate of the officer is done in a non-partisan fashion that not only provides confidence to parliamentarians around their work and how they carry out their mandate but also gives confidence to the public, to Canadians, that the government is functioning as it should be. It is a watchdog position that gives confidence to Canadians about how this place is functioning. If members do not think that is one of the most important aspects of that job in a democracy, then I do not know what is.

I am new to this chamber and I watched in awe how things unfolded. I learned how the language commissioner situation came to be and I watched day by day as information came forward to further reaffirm how the process and the appointment went sideways. For the government to somehow get up and justify the process is absolutely astounding to me.

I know I am a newbie, but I have been around the block a few times, one might say, and on the consultation aspect, I think everyone in this House would agree, including the government side and even the Prime Minister, that simply writing a letter to the leaders of the official opposition and the third party opposition is not consultation. When the letter's contents were "and here is the appointment that I have made", we all know that is not consultation, so let us not try to pretend that it is.

Here the process has been so tainted that the candidate has withdrawn herself from this process. That is to honour ultimately the integrity of that position and the role that it needs to carry out in this chamber, and the importance of it. If the candidate can recognize this, surely the government can recognize the flaw in the current process on which it has embarked.

The purpose of this motion is to fix that into the long term so that we do not go down this road again. Democracy is too important. Accountability is too important for us to muck around with this process.

I know people look at British Columbia and call us the wild, wild west, especially given the latest election process and what is going on with a minority government that is likely not sustainable and will likely fall. Then things will unfold and people will say, "My goodness, only in British Columbia."

That may be so, but let me say this: I spent 19 years of my electoral life in the provincial legislature in British Columbia, both in government and in opposition. I have been a cabinet minister and I have been in opposition, rendered to an opposition of two members in the legislature, so I have been around the block a few times.

Strange as it may be in British Columbia, we actually appoint the officers of the legislature by committee, with representation from all the different parties. Of course, at that committee the majority comes from the government side. We recognize that. That is what the government gets to do, but at that committee, all of the applications that come in for the particular office for which the position is open are vetted. Then people will go through a process of short-listing. Then they will select the candidates for interviews at the committee, and then they will make a decision, a unanimous decision, that will be recommended to the legislature, to the Speaker, who will than bring that matter back to the legislature for a final process.

● (1200)

That is how we do it in the wild, wild west in British Columbia. I have sat on those committees at different times for different appointments. I will not disclose details because all of that is in camera to protect the applicants.

It is like a job interview. It is a human resources process. We all go through that, and all of the work is done in camera so no one's privacy is jeopardized. We get into deep debates about who is the right candidate and who is not, but at the end of that process, more often than not we come to agreement. When we do not and there is no unanimous decision, then the process is hung and the committee has to strike another committee to go through the process again. Sometimes people withdraw; some reapply, and so on. That is how it goes.

The importance of that process is in ensuring that whoever is appointed as an independent officer of that legislature has the confidence of all the parties. That is ultimately the goal, and it must be the goal. That is how we ensure the independence of that officer. Otherwise we taint and compromise that officer and their work, and that would not be okay in a democracy.

Watching my colleague, the member for Skeena—Bulkley Valley, in this Parliament, I am always amazed, and I am not just blowing sunshine up somewhere. I watch him in awe, because he works so hard to bring the parties together, to try to advance things that are good for our democracy. He places that value above partisanship and all else, and he does it with grace and conviction. He believes in it and works hard to try to achieve it.

That is the spirit in which this motion is being tabled. He is proposing that all recognized parties sit on a committee to look at candidates the government puts forward to ensure the individuals are not tainted in any way, shape, or form, in reality or in perception. That is absolutely critical to the success of these officers in carrying out their work, because they need to be above reproach in every single way. For Canadians to have confidence in their work, we need to be able to say they were vetted by all parties and everyone agreed that they were merit-based and non-partisan, that they are appointments we can all be confident about. That is why it is so important to do this work.

The motion is not over the top. It is not what we do in British Columbia, and if it was up to me—and people say there are moments when I am definitely not compromising—I might have proposed a British Columbia approach, but we are not. We are not even going that far. All we are saying is that we should bring everyone together to vet this process to instill confidence in the appointments. That is a true consultation process.

The Conservatives put forward a potential amendment that would say to the government that even in rejecting a candidate, they could still advance that person to bring the appointment before the House. That is really extending the olive branch. There is an art here in trying to make this work to create an approach that is acceptable to everyone, and most importantly to bring forward an approach that is better than what it is today, one that would reaffirm confidence in the appointments of these officers so that Canadians know our Parliament is functioning as it should be and that when those appointments are made, those individuals who carry out their mandate will not be compromised in any way, shape, or form.

● (1205)

With that, I am going to close. I urge all members of the House to think deeply about this motion before us. I hope that members will find it within themselves, in the name of democracy, to stand up and vote in support of this motion.

Ms. Kamal Khera (Parliamentary Secretary to the Minister of National Revenue, Lib.): Mr. Speaker, I want to remind the hon. member that under the current process, the nomination of any officer of Parliament must be first tabled in the House, and it is then considered in the appropriate committee, which can have the appointee appear before it.

The final decision is always subject to parliamentary approval. To give a small subcommittee the ability to veto the appointment of an officer of Parliament, as proposed in this NDP motion, without having it voted on by the whole House of Commons is undemocratic.

Could the member please comment?

Ms. Jenny Kwan: Mr. Speaker, I think the government members have read the motion wrong. It is not the case that the committee could override the government's decision without having it come back to this House for a vote. That is simply not the case.

I urge the member to actually visit the motion. It is long—I get it—but it is worth a full read. Instead of using the talking points offered by the government, the member should read the entire motion. There are five points to it, and it does nothing that the member suggests.

On the question around the other committee, if the government is saying the other committee works, then how did the language commissioner's case happen? How did it happen? How did things get so tainted in that process? Clearly, the government's process as the Liberals have outlined it does not work.

● (1210)

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Mr. Speaker, the Prime Minister is under investigation by several of these independent officers of the House. Clearly he cannot be in charge of the replacement of those who are going to investigate him. He has recused himself, which I think was right.

Now he has delegated one of the appointments to the government House leader. She has been defending the Prime Minister every day, so she should recuse herself as well. I would argue that every Liberal Party member has a vested interest in the outcome of those investigations, so it cannot be just a one-party solution.

I wonder if the member could comment on how this proposed process would be an improvement on that by getting all-party support.

Ms. Jenny Kwan: Mr. Speaker, the member raises the exact points that create the problem that the government refuses to see with the current process.

When that happens with issues around conflicts of interest, with vested interests by government members, with the Prime Minister being investigated, and these officers will be and are charged with investigating the matter, it creates a huge conundrum and, most importantly, the kind of process that speaks to the need for change.

Right now, this is not happening. The government is resisting it. The motion would actually get the government out of the box that it is stuck in. There is a saying in politics about not digging oneself in deeper and that when there is an out, we should take the exit and go where it goes. This motion offers exactly that.

Mr. Anthony Housefather (Mount Royal, Lib.): Mr. Speaker, we are mixing up two issues. One is whether the current process is the best process. I acknowledge that I believe that the opposition should be involved in the process of short-listing candidates.

However, we are now talking about the proposal, and the parliamentary secretary is absolutely right. As an attorney, I read this motion, section 5, and it says:

> Immediately after the presentation of a report pursuant to section (3) of this Standing Order which recommends the rejection of the appointment, the proposed nomination shall be deemed withdrawn.

On the other hand, section 4 says:

> Immediately after the presentation of a report pursuant to section (3) of this Standing Order which recommends the approval of the appointment, the Clerk of the House shall cause to be placed on the Notice Paper a notice of motion for concurrence in the report....

There is clearly a distinction in the motion: if the recommendation is no, there is no vote in the House. The NDP should revise its motion to make it clear what it really intends if that is not the case.

Ms. Jenny Kwan: Mr. Speaker, I welcome the member's comments. That is exactly what the Conservative member, by the way, is proposing to clarify. If people feel that it is not clear enough, that is being entertained at the moment and my colleague is looking at it. I hope that members from the government side will enter into this conversation to make sure that the change they require would be in the motion accordingly.

I think it is absolutely essential, even if changes are made to the motion, that members remember that this is about the appointments of independent officers. Should not each officer always have the support of all members of the House? The committee process is the first step.

Mr. Dan Ruimy (Pitt Meadows—Maple Ridge, Lib.): Mr. Speaker, I will be sharing my time with the hon. member for Châteauguay—Lacolle.

I am pleased to take part in this debate today. The motion, while flawed, does give the House the opportunity to discuss the important roles that officers of Parliament play in our parliamentary system. These people are focused on very critical and important functions.

I would like to point out that the term "agent of Parliament" is also used to describe individuals who report to parliamentarians, thereby, emphasizing that they carry out work for Parliament and in many respects are responsible to Parliament, and as a means to distinguish them from other officers and officials of Parliament.

However, it is valuable to ensure that everyone in this chamber is clear about some of the fundamental elements that underpin our discussion today. It is helpful to ensure that we are all working with a shared understanding of core facts. To that end, I want to put this debate in the larger context that it deserves. I would like to focus on a very specific topic, which is the place of agents of Parliament in our government system.

Let me use one example with the Conflict of Interest and Ethics Commissioner. It is important to take this big-picture view because the Conflict of Interest and Ethics Commissioner does not operate in a unique legal or procedural environment, nor does the commissioner operate in a vacuum. The Conflict of Interest and Ethics Commissioner is appointed and then performs his or her important role under many of the same conditions as the other agents of Parliament.

While each agent of Parliament has a unique mandate, every one of them plays an important role in our democracy. Every one of them has some elements in common that are worth keeping in mind today. They have become important vehicles in support of Parliament's accountability and oversight function. These roles have been established to oversee the exercise of authority by the executive and to be vehicles through which oversight of our public institutions flows. It is very clear that they all do precisely that.

For the longest time, there was only one such agent of Parliament. That was the position of the Auditor General, which was established just after Confederation in 1868. In 1920, Parliament put in place the role of the Chief Electoral Officer to ensure an independent body was in place to oversee our elections. It was not until 1970 that the third agent of Parliament was created when the Commissioner of Official Languages was established, thanks to the Official Languages Act of 1969.

Recognizing the changing role of information in government and among citizens, the Office of the Privacy Commissioner and the Office of the Information Commissioner were both established in 1983. By 2007, we saw the establishment of both the Conflict of Interest and Ethics Commissioner and the Public Sector Integrity Commissioner. The Commissioner of Lobbying is the most recent edition to the agents of Parliament, having been established in 2008. He or she plays a pivotal role in ensuring access to public office holders by lobbyists is appropriate and as prescribed by law.

While each has a unique set of responsibilities, I have heard this entire group described as "guardians of values." Each of them is independent from the government of the day. Each of them is mandated to carry out duties assigned by legislation and report to one or both of the Senate and the House of Commons.

Our government recognizes the importance of the work that agents of Parliament play. We recognize the need for them to reflect the high standards that Canadians rightly expect. One key way that our government has demonstrated that recognition is by bringing in a new and rigorous selection process for these positions. We have taken the same approach as we have across other Governor in Council appointments. These appointments are being made through open, transparent, and merit-based approaches. Notices are posted on the Governor in Council appointments website. The government also publishes a link to that notice in the *Canada Gazette* while the application period is open. Under the new process, everyone who feels qualified to fill the responsibilities of these positions can let their names stand by registering online.

The government is very mindful that we want the best people possible for these important roles. This is why each selection process has a recruitment strategy. Sometimes an executive search firm may get a contract to help identify a strong pool of potential candidates. Sometimes it involves advertising or reaching out to targeted communities, such as professional associations and stakeholders.

● (1215)

This process eventually leads to the identification of a highly qualified candidate. However, in the case of officers of Parliament, there is also a requirement that once the government has identified a candidate, it consult with the leader of every recognized party in the House of Commons. Let us be clear. The current process requires that such appointments are subject to parliamentary approval.

In practice, the nominee is typically invited to appear before the appropriate committee to review his or her qualifications, so there are a series of public opportunities for parliamentarians to have their say on these important roles. Only after the approval of the appointment by the House of Commons and/or the Senate can the order in council officially appointing that agent of Parliament go forward.

This process for government appointments ensures that the results are open, transparent, and based on merit for agents of Parliament and for other Governor in Council positions.

The government House leader mentioned this in her remarks, but it merits repeating. The Prime Minister made a personal commitment to bring new leadership and a new tone to Ottawa. He committed to setting a higher bar for openness and transparency in government. He committed to a different style of leadership. This appointment process is another example of the openness this government has committed to and is delivering on.

These commitments are evident in the new processes to ensure that Canadians of the highest calibre have the opportunity to serve their country through Governor in Council and other appointments. These commitments recognize that strong rules enhance the trust and confidence of Canadians in our elected and appointed officials and in the integrity of public policies and decisions.

Agents of Parliament represent key pillars of our democracy. They play essential roles in helping us, as parliamentarians, hold the government to account. We have a system that works well and that Canadians see is working well. This is one of the many reasons the motion is unnecessary.

It all adds up. Robust and more open, transparent, and accountable public institutions help the government remain focused on the people it was meant to serve. That means better government for Canadians, and that is something I am proud to protect and pass on to future generations.

● (1220)

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Mr. Speaker, it is honourable that we want to have an open and transparent process, because that is what it needs to be for the benefit of Canadians.

How can we say that what has just transpired here is open and transparent, when the heritage minister contradicted what Madame Meilleur said; when the heritage minister contradicted what other members of the House said; when they did not disclose that Madame Meilleur had special meetings with Gerald Butts and Katie Telford, which the other 72 candidates did not have; and when the Minister of Canadian Heritage has two of Madame Meilleur's employees working in her office, and that was not disclosed until it came out later? How is that an open and transparent process?

Mr. Dan Ruimy: Mr. Speaker, this is an open and transparent process. If it was not, these types of questions would not be coming forward.

It is important to recognize that there are many different ways to address these issues. The process that we have in place has been working for us and it helps us to get a better-qualified candidate. That is the point of this to begin with.

Ms. Linda Duncan (Edmonton Strathcona, NDP): Mr. Speaker, it is very troubling to hear government members defending the current appointment process and alleging that there are opportunities to raise questions, when in fact the only opportunity is through question period or by us using an opposition day to raise these issues. That is not an open and transparent process.

We need merely look at these comments and the so-called open and transparent consultations with first nations to see where the trouble is if this is what the Liberals believe to be genuine consultation and accommodation.

The proposed process today is that before bringing the nominee's name to Parliament, there would be genuine open and transparent consultation on a number of candidates. Is that not what is really needed? We have to remember that we have a majority government, and from time to time we will have majority governments. What kind of fair process is it when all members are supposed to have the opportunity to have somebody that they could trust to hold the government accountable?

Mr. Dan Ruimy: Mr. Speaker, it is important to remember that every party actually recognized that Madeleine Meilleur was one of the best, if not the best, qualified people for the job. That came across. We heard that from the NDP and from the Conservatives. They made it not an issue of her qualifications but of other issues.

I keep hearing that because she withdrew her name, she knew better than everyone else. I will say that because she was highly qualified, she knew enough to not let it become a distraction for the position. That is one of the reasons she pulled her name out. On top of that, the non-stop bullying of this person was reprehensible.

● (1225)

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, one of the qualifications that was obviously a problem was partisanship. The officers of Parliament cannot be partisan. They must be impartial. Is that a fair thing to ask for? Yes, of course it is, because they do not work for one party or another. They work for all of Parliament.

The problem with Madam Meilleur's appointment, and I would extend that to the Prime Minister's judgment in nominating her in the first place, was that she would be in a conflict of interest, which her intelligence led her to admit. She was too partisan to apply to the Senate, as she said, and her conflict of interest in being a donor to the Prime Minister's campaign would mean that she would not be able to investigate the Prime Minister. Yes, of course, she is qualified on languages, but she is not qualified to be an officer of Parliament. Would it be a fair statement to say that someone who is in a conflict of interest cannot perform the role we are asking them to do? That is simply what was exposed through this experience.

Mr. Dan Ruimy: Mr. Speaker, I understand, but people throughout their lives build their qualifications. Whether they have contributed to a political party or not, or whether they have switched sides, it is part of their education and background and what makes a person's character.

The member has suggested that because she donated at some point to the Liberal Party, she is partisan. For all we know, she donated to a bunch of parties. I have donated to different things in my life. Does that mean I am partisan or non-partisan? It is a leap to make it sound as if she is partisan and would be in a conflict of interest. That is what the leap is.

The Deputy Speaker: Before we resume debate, I note that some members were a little dismayed as to the selection of speakers during the period for questions and comments. I would remind hon. members that normally questions and comments opportunities are afforded to members who are not members of the party that has just given the speech. It is certainly not to their exclusion. If there are not a lot of other members from opposing parties rising, then certainly members from the party the member who just spoke is part of can participate. We do it on a selective basis and try to be fair. As a final reminder, usually in a five-minute round there are occasions for only two interventions, depending on how long they take.

Resuming debate, the hon. member for Châteauguay—Lacolle.

[*Translation*]

Mrs. Brenda Shanahan (Châteauguay—Lacolle, Lib.): Mr. Speaker, I rise today to speak to the motion moved by the hon. member for Skeena—Bulkley Valley, and to the subject of our government's commitment to and high standards for openness and transparency.

I read the motion in question with interest. It is clear to me that the motion moved in the House today is an attempt to take over the government's power to launch processes to identify candidates for officer of Parliament positions and introduce unnecessary obstacles for which opposition members will never have to take responsibility.

The hon. opposition member surely knows that since February 2016, the government has been taking measures to set up a more rigorous approach to the appointments made by the Governor in Council, an approach based on the principles of openness and transparency and, more importantly, merit.

This is an open process. Communicating with the public about potential appointments by the Governor in Council is essential to this approach. Anyone can put forward their candidacy and everyone is invited to do so. The 14,000 or so applications received for Governor in Council appointments since we implemented this new process is a testament to that.

This is also a transparent process. Governor in Council appointment opportunities and information about the appointments that are made are available online.

This procedure is also based on merit. A thorough selection process with pre-established criteria is in place to evaluate applications.

Furthermore, when ministers review a candidate recommendation, the goal of establishing gender parity and reflecting Canada's diversity is taken into account. Candidate selection must reflect linguistic, regional, and employment equity conditions.

Of the roughly 170 appointments made through the open, transparent, and merit-based selection process, about 70% of appointees were women. This shows that we are honouring the commitment we made to Canadians to ensure that our democratic institutions reflect our diversity.

Some 1,500 positions requiring Governor in Council appointments are subject to the new procedure, which ensures an open, transparent, and merit-based selection process. We are determined to offer these positions to all Canadians.

Under the new process, a notice of appointment opportunity is posted on the opportunities website by the Governor in Council and on the website of the organization with the vacancy. A recruitment strategy is developed for each selection process when the opportunity needs to be advertised in order to reach interested candidates able to fill it.

This can be done by using an executive recruiting agency or by developing an advertising strategy and targeting interest groups, such as professional associations and stakeholders.

Candidates must register and apply online through the Governor in Council appointments website. Only applications submitted online will be considered. This ensures that all candidates interested in applying for a Governor in Council appointment are on even playing field.

We encourage all members to share this information with their constituents so that interested candidates can apply. As I mentioned, this process is completely open and transparent, and it is open to all Canadians who are interested in the advertised positions and have the required skills.

The opposition member wants an appointments process that would result in unnecessary red tape for officer of Parliament appointments, when the legislation already requires a more than adequate evaluation of candidate qualifications.

● (1230)

Parliament will continue to play an essential role in this new government appointments procedure, specifically when it comes to officers of Parliament. The enabling legislation concerning officer of Parliament positions requires the government to consult the leaders of recognized parties in the House and, in some cases, the Senate. Also, all these appointments are subject to parliamentary approval.

We are complying with these statutory obligations. Our government is making progress on appointments to important positions in our democratic institutions, such as agencies, boards, commissions, administrative tribunals and crown corporations.

It will take some time before the overall impact will be felt, but I can assure the House that, even if a selection process is under way, the government may make interim appointments or renew terms for positions essential to good governance or government continuity.

We have already run over 60 open, transparent, and merit-based selection processes, and over 100 others are under way to identify highly qualified candidates for many important positions across the country. We are determined to ensure that top-notch individuals are appointed to positions in our democratic institutions to ensure that they deliver excellent services to Canadians.

However, the opposition member is trying to prolong the appointments process for important officer of Parliament positions. Bringing in an additional review is pointless, since a thorough selection process is already in place to ensure that candidates are highly qualified. A selection committee reviews applications to ensure that they meet the pre-established criteria and then screens the applicants to be evaluated through interviews and written exams, as required.

When candidates are deemed highly qualified by the committee, an official reference check is also carried out to evaluate their personal suitability in greater detail. The committee presents the relevant minister with a formal opinion on the most qualified candidates based on merit. The minister then uses the committee's opinion to finalize his or her recommendations to the Governor in Council.

As I mentioned earlier, legislation already requires the government to hold consultations about the proposed candidates and have the appointments approved for most officer of Parliament positions through a motion introduced in the House of Commons or the Senate.

I ask my colleagues to join me in voting against this motion by the member for Skeena—Bulkley Valley.

● (1235)

[*English*]

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, New Democrats have been trying to establish a couple of things for my Liberal colleagues today, and one is that the specific nature of officers of Parliament, in particular, requires that there be no taint of partisanship at all. They must be impartial to work on behalf of all parliamentarians. The most recent example is the nomination by the Liberals of a person who had very recently been elected as a Liberal and who also donated to the Prime Minister's campaign. In testimony, she admitted that she would be in a conflict of interest in investigating the Prime Minister himself.

By anyone's definition of officers of Parliament, they must be able to do their jobs. Whether it is the ethics, lobbying, or languages commissioners, it does not matter. We have not been able to establish for my Liberal colleagues that nominating people in a conflict of interest is a bad idea.

To my point, every Liberal I have heard so far has said that nominations are going swimmingly. For Canadians tuning into this, they say that the nomination process is awesome and to forget the little thing with Madam Meilleur recently, because that was an aberration. However, a report from the CBC just a month ago said that the backlog in appointments by the government is up 80%. Five months after the Prime Minister suggested that his new appointments process would clear the backlog, the problem has gotten dramatically worse. No one is questioning the idea of the nominees having merit, diversity, and all those things, but to suggest that things are going well when the backlog has grown by 80% under their process is an opinion, not a fact.

First, could we at least establish that partisanship is a bad idea for an officer of Parliament? Second, could we admit to the fact in front of us that appointments seem to be a problem for the government and it is in need of a little help? There is nothing like a little help among opposition parties and government to make things work better for Canadians.

Mrs. Brenda Shanahan: Mr. Speaker, I appreciate the question from my colleague. Any offers of help are duly welcomed.

I would like to remind him that there is a procedure already in place in our Standing Orders to refer appointments of officers of Parliament to the appropriate standing committee, in which the committee members, members of Parliament, are able to question the nominee. Then the appointment is voted on in the House, That Standing Order is appropriate and needs to be kept.

Mr. Alistair MacGregor (Cowichan—Malahat—Langford, NDP): Mr. Speaker, my hon. colleague referenced the rules concerning consultation a number of times during her speech. I want to explore the meaning of that term with her.

As my colleague from Skeena—Bulkley Valley so aptly pointed out in the House earlier, the Prime Minister's idea of consultation was a letter to both leaders of the opposition parties to say, "I've selected this person. Here you go."

Does the member agree that is consultation in a meaningful way?

● (1240)

Mrs. Brenda Shanahan: Mr. Speaker, certain positions require more consultation than others. The fact remains that it is our government's responsibility to name officers of Parliament. Ultimately the responsibility, the consequences of those decisions remain with this government. While the Standing Orders allow for a meaningful examination of any nomination by the appropriate standing committee, it is the government's decision.

Ms. Kamal Khera (Parliamentary Secretary to the Minister of National Revenue, Lib.): Mr. Speaker, I thank the member for highlighting our government's commitment to an appointment process that all Canadians can trust. This is why we have an appointment process that is open, transparent and merit-based.

Could the member please elaborate and explain to the House how this process truly reflects the diversity of Canadians?

Mrs. Brenda Shanahan: Mr. Speaker, I was very interested in doing my research for this motion today. Over 70% of the over 170 appointments that have been made so far are women. Visible minorities and indigenous persons are also represented in that number. If it takes time to ensure we accurately and sufficiently represent the diversity of Canadians across the country, then it is worth taking that time.

[*Translation*]

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, I would like to thank my colleague from Skeena—Bulkley Valley, who has done incredible work to bring forward this motion that, as some media noted yesterday, provides an elegant solution to a real problem. I really like the term "elegant solution" because it is very simple. I will have the chance to discuss that in a few minutes.

I would first like to note that what the Liberal member said a few minutes ago was inaccurate. It is not up to the government to appoint officers of Parliament. It is instead up to parliamentarians to vote to approve the appointment of such persons, who play a major role in our system, institutions that have become absolutely essential over time. I simply wanted to clarify that. It is certainly not a government decision, even though the initial proposal or suggestion may come from the Prime Minister's Office. We will come back to that, as it raises another sort of problem.

I would like to digress a bit to describe how our modern democracies have evolved. I will have the opportunity to explain how important it is to properly conduct the process of choosing these watchdogs for our system, for taxpayers, for citizen's rights, and for minority languages rights.

Albert Jacquard said that we could have a very balanced society with 1% princes, 4% soldiers, and 95% slaves. After all, that worked in many places in the world for thousands of years. It was a very stable system, and there was a certain balance. The progression of all of our democratic systems was always characterized by the gradual erosion of the absolute powers of the monarch. All of the powers invested in a single individual were always withdrawn, powers that were often conferred under the pretext that the monarch had been chosen by God and could do whatever he wanted. He was the State. He even had control over the life and death of his subjects. In effect, they were not citizens, but subjects of His Majesty.

All the progress we have achieved in our democracy has been achieved by withdrawing certain powers and certain decisions from the king and putting them in the hands of other organizations or institutions. That was how we elected the first parliaments. The British nobles were somewhat tired of the king doing whatever he wanted and deciding to levy taxes at any time because he wanted to create a new army to engage in a new war. They therefore created a type of council in which English nobility, namely the aristocrats, barons, dukes, and others, held the power to authorize the monarch to levy taxes and spend money. He could no longer make the decision alone.

Moreover, we still have some traces of that perspective in our current Parliament. One of the major roles of parliamentarians is to pass laws, but they also have the role of authorizing expenditures by the executive. Also, one of the things that I learned when I arrived here is that expenditures can be approved or refused in committee, or a reduction can be proposed, but an increase in the expenditure can never be proposed. That dates back to the first parliaments, which existed to control the king's spending. We still follow that same approach.

Royal power was then divided into legislative power, executive power, independent of the representative of the Crown, and judicial power, which could be exercised to check the choices made by the government and ensure that the rights of the people and the laws of the land were respected.

● (1245)

We can see that, over time, institutions were added to control the monarch or the executive branch. That created a type of dissemination of power within society, a type of distillation of decision-making. Over time, other checks and balances were added, such as the media and journalists, and thus public opinion, when we live in a democracy.

As a society, we have also created institutions capable of monitoring and controlling what the government does. That is what is done, for the most part, by these officers of Parliament that we have created over time. They did not all exist 15, 20, or 25 years ago; we will come back to that. For example, the position of Parliamentary Budget Officer did not exist prior to the previous Conservative government. Enjoy that, as it is rare for me to note good things done by the Conservatives. That position has taken on crucial importance and no one would now want to eliminate that institution. To the contrary, we want to make the position more independent, with more powers and more opportunities to do the work.

I would like to continue discussing these checks and balances by distinguishing between Westminster and presidential systems, like the French and American systems. Under presidential systems, particularly the American one, which we know a bit better, the checks and balances are enormous compared to the power that the Prime Minister can have under a British system like ours. Even though he is President of the largest, or maybe now the second largest, power in the world, the American President can face a lot of opposition from the House of Representatives, the Senate, and all the institutions that make up Congress and everything in Washington.

To illustrate, an American President could very easily face a hostile House and see his plans repeatedly blocked. He can even have a friendly House and see his plans repeatedly blocked. That is not the case here. We do not have a presidential system. Under the Westminster system, people often think that they vote for the Prime Minister, but that is not the case. They vote for a member of Parliament from one of the country's 338 ridings. The Prime Minister is the leader of the party that has the majority in the House and has the confidence of the House. A lot of powers rest with the Prime Minister under our system, to a point that it becomes problematic.

The motion by my colleague from Skeena—Bulkley Valley is so important because it is part of the process by which we ensure the independence of those checks and balances and the involvement of all recognized political parties in the House in decisions regarding the best person to fill those positions. That is something.

I took a few minutes for that digression, but it puts into perspective the steps that must be taken to advance the quality of our democratic institutions. In theory, the Liberals should agree with that. We remember the Liberals' election promises, namely that they would fight cynicism, put an end to partisan appointments, and restore Canadians' trust in their institutions. I therefore have trouble seeing how they could now seek pretexts to object to such an elegant solution, an offer by the opposition to improve the procedure and ensure that the disasters and fiascos we have seen recently do not happen again.

What can be done to avoid partisan appointments? First, we absolutely refrain from doing what the Liberal government did in the case of Madeleine Meilleur, who was to be the Commissioner of Official Languages. The law states that the government must consult the leaders of the opposition parties. What happened, then? The Conservative and New Democratic leaders received a letter advising them that Ms. Meilleur had been chosen. I do not call that consultation. I call that a *fait accompli*.

● (1250)

If the opposition parties had truly been consulted, we would have sat down, discussed the matter, found common ground or a compromise, and chosen the best possible person for the position. No, the king decided that he was holding on to that power, while we want to share that power. Officers of Parliament are not the purview of the Prime Minister. They are the purview of parliamentarians, and thus of all Canadians. There was a total lack of consultation in the case of Ms. Meilleur.

Moreover, a person who is too partisan to be a member of the Senate was appointed as commissioner, an officer of Parliament. That is a very interesting logic. We call that backpedalling. She was a Liberal MPP and a Liberal minister, and has donated more than $3,000 to the Liberal Party since 2009. She also donated money to the current Prime Minister's leadership campaign.

I think that the appointment of that individual had the very appearance of a partisan appointment. That was much of the problem and she realized it herself. However, it would have been good for the Liberal government to realize it earlier in the process.

To avoid fiascos like this, we would like to implement a process that will involve all recognized parties in the House. If we do not, and continue with this kind of tradition of dubious quasi-partisan or completely partisan appointments, we would be undermining the legitimacy of these officers of Parliament, as they are important. I was speaking about the Parliamentary Budget Officer, but we should also talk about the Auditor General, the Ethics Commissioner, and the Commissioner of Lobbying. These are critical positions whose duties include overseeing audits and requiring that the government show accountability and uphold the law.

Why do we need these people to be above any partisan suspicion? Because we don't want their work to raise any doubts afterwards and in the future. If someone like Ms. Meilleur had ultimately been appointed Commissioner of Official Languages, her decisions would always be under a cloud of possible bias and tainted by partisanship and liberal affiliations. This is why we must have people who are absolutely independent, for the sake of their own work and for the future.

The motion that my colleague has put forward today is good for our institutions, but it also serves all future officers of Parliament who are appointed or elected by the House.

What do we propose? First, we recommend replacing the current appointment system—Standing Order 111(1)—with a system ensuring that when the government intends to appoint an officer of Parliament, it must provide the name of the proposed appointee to an appointments committee composed of a member from each recognized political party. This committee would have 30 days to review the nomination and may report a rejection or approval. If the committee has not filed a report within 30 days, the nomination is deemed rejected.

This is intended to serve as a safety provision to avoid delay tactics that would be unjustified, and to have a procedure that can work.

If the committee recommends approval, the nomination is then put to a vote in the House, contrary to previous interpretations by the government House leader.

In this case, the name of the person remains secret during consideration, for their protection, of course. Afterwards, if there is an agreement between the three, four, or five recognized political parties around the table, a recommendation is made and it comes back to the House. Then there is a motion and parliamentarians can vote. It is always Parliament that chooses the officers of Parliament.

A procedural deadline of 30 days is expected. We could therefore proceed with a degree of diligence to avoid partisan appointments. It would also put pressure on the government to have an appointment process that works well, which is not currently the case. My colleague recently mentioned this, when quoting a CBC article from last March.

● (1255)

Under the current government, vacancies are upwards of 80%, which is no small matter; the process failed in the case of the Commissioner of Official Languages. Not only have we not made any progress under the current government, the backlog has increased. In addition, in two other cases, the government cannot seem to find skilled and qualified people in the established timeframes, so it has asked the current Ethics Commissioner and Lobbying Commissioner to stay on for six more months because it did not do its job and could not find any candidates.

This compels us to ask why the Liberal government would refuse a solution and a new process that would help the process as a whole. These officers of Parliament we are talking about have a real impact on the lives of our fellow citizens, on the quality of our democratic life and on taxpayers' compliance with the tax code.

I have a few examples I would like to remind members of. The actual cost of the F-35 would never have been uncovered without the Parliamentary Budget Officer. Without this vital information, how would we know whether the military equipment acquired by Canada will cost $9 billion, $16 billon or $25 billion? These are considerable sums that are not always easy to put into perspective in our daily lives, and yet they have huge impacts on taxpayers' wallets and tax rates.

In order to get to the bottom of these types of matters and to examine the government's work, the Parliamentary Budget Officer must therefore be above suspicion. Why not agree to sit with the opposition parties to come up with a consensus recommendation, if possible? The Liberals said they wanted to do politics differently, so let us all gather together, have a good talk and strive for greater collaboration, especially when dealing with such topics as officers of Parliaments.

Here is another cause for concern. The Liberal government now has to appoint a new Conflict of Interest and Ethics Commissioner. The Prime Minister is currently the subject of an investigation by the current Conflict of Interest and Ethics Commissioner over a trip to a private island in the south, a trip that would seem to be against the law, especially regarding the use of helicopters or private planes to fly the Prime Minister around. If the process is botched by virtue of the Prime Minister's Office pulling the strings and the majority government imposing its choice on Parliament, then the person being appointed to a position whose job it is to investigate the Prime Minister will be in a conflict of interest, their credibility weakened.

I would like all Liberal members to give this motion due consideration because it would be a significant improvement over the existing system in that it would be cheaper, more effective, faster, and more respectful of our institutions and all parliamentarians. It would be a step in the right direction. Would this be a completely independent committee like they have in the United Kingdom? No, not yet, but it is a whole lot better than the Prime Minister's Office, which seems to be incapable of making reasonable choices, picking its own candidates.

I hope we can reach consensus on this motion. At the moment, there seems to be some resistance from the Liberal government because they say parliamentarians would no longer be able to vote and this subcommittee would have a kind of veto power. That is completely false, absurd, even. It was never our intention to suggest that.

Let us look at the motion itself. I would like to read three short excerpts that I find informative.

> ...that report, which shall be deemed to have been adopted by the Committee, shall be presented to the House at the next earliest opportunity as a report of that Committee;
>
> ...that report, which shall be deemed to have been adopted by the Committee, shall be presented to the House at the next earliest opportunity as a report of that Committee;

Parts (3)(*a*) and (3)(*b*) are explicit about the procedure. Part (4) of the motion reads as follows:

> Immediately after the presentation of a report...the Clerk of the House shall cause to be placed on the Notice Paper a notice of motion for concurrence in the report, which shall stand in the name of the Leader of the Government in the House of Commons under Notices of Motions....

● (1300)

Parliamentarians would therefore be able to vote on the adoption of the report and the hiring of an officer of Parliament. I hope that the Liberal government will stop obfuscating by willfully misinterpreting the motion and will take into consideration the collaborative approach that we have chosen to take, in the interests not only of the officers of Parliament, but of all Canadians.

[*English*]

Mr. Mark Holland (Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, I will say at the onset that I have enormous sympathy for the notion that the people we hire to the various offices that serve Parliament must have the background and the ability to do their job. In fact, I spoke at great length when I was in opposition about many of the Conservative appointments. I talked about what happened with the public complaints commissioner. What was so disturbing to me about that was that the person in question had no background in the RCMP whatsoever and only had a partisan background.

My problem here is that we have moved to appointments that have been merit-based. We look at the senators in question or, frankly, Madeleine Meilleur, whose background in official languages over 30 years is incredibly deep.

The question I put to the member is twofold. What I see this motion doing is redundant. There has been an agreement that it is in fact Parliament that makes the choice on how these officers are selected. If the committee does not have a veto—in other words, if the committee is not circumventing that privilege—but is only acting as a voice, then that is a voice that already exists in this place. Those powers are already present and already exist.

The second one is of great concern to me as well. People who do great work are sometimes in their lives partisan. That should not exclude them. They should have material and relevant experience for the post at hand, but just because they have at some point in their life engaged in public life, I do not think that should preclude them from office.

I wonder if the member can comment on both the redundancy of this motion and that point about precluding good people with strong records of service who may have at some time been involved in politics.

● (1305)

[*Translation*]

Mr. Alexandre Boulerice: Mr. Speaker, I thank my colleague for his question.

First, contrary to his claims, the motion is not redundant, since the current process is not working and we are instituting a new process.

If my colleague acknowledges that it is a decision of Parliament as a whole and there must be consultation, I imagine he is outraged that the leaders of both opposition parties were informed by a letter telling them the name of the next official languages commissioner. I also imagine he would be entirely open to the idea of establishing an all-party subcommittee so there is discussion and consultation, so we can have our say as parliamentarians, and so the process is not simply directed by the Prime Minister's Office.

Second, I understand the purpose of his question. We were asked the same question yesterday at a press conference.

Is the fact that a person was involved in party politics at some point in their life sufficient to disqualify them from all positions in the public service or from the kinds of key positions that officers of Parliament hold?

The answer is "not necessarily". There are many factors to consider, which is why a subcommittee would be valuable. The member of the official opposition and the member of the second opposition party who were at the table would be able to determine whether a candidate was eligible. They could assess whether the candidate was in a conflict of interest and whether their partisan work was intense, significant, or recent.

There are rules in other legislation enacted by Parliament and sometimes it takes several years before a person may apply for certain positions after being in government, for example. That is precisely what the subcommittee could work on.

I hope that addresses my colleague's concerns.

In the case of Ms. Meilleur, if we had been at the table, we would immediately have said that she was frankly too partisan.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I thank my colleague.

I support today's motion. I regret that the NDP did not include a role for the parties with fewer than 12 members, such as the Bloc Québécois and the Green Party, but I think it is still a good proposal for improving the present situation.

There is a little story that everyone may have forgotten: the story of the Security Intelligence Review Committee, or SIRC. Under the legislation governing that committee, it was mandatory that the leaders of the official parties in Parliament be consulted. During Mr. Harper's time, Arthur Porter was to be appointed to the position of chair of the committee. Gilles Duceppe, who was the leader of the Bloc Québécois at the time, replied by letter, in which he raised a red flag because Arthur Porter had something of a odd past.

[*English*]

In the end, we all know what happened. Arthur Porter was given full security clearance in the Government of Canada, made an officer of the Privy Council, and WENT down in history as a known fraudster. If one needs an example of why we need more than on-paper consultation, I doubt one would find a better example than Arthur Porter.

[*Translation*]

Mr. Alexandre Boulerice: Mr. Speaker, I thank my Green Party colleague for her remarks and her support for this important motion.

Indeed, the member has reminded us of a specific case, a very concrete example where the lack of combined effort and consultation and the failure to listen to the opposition parties resulted in an absolutely deplorable decision. Putting someone like Mr. Porter in charge of the SIRC, knowing his past, his sympathies, and also his connections, was a bad decision that could have had serious consequences.

Yesterday, in a very moving speech, one of our Liberal colleagues called on us all, saying that we sometimes had to rise above party divisions, listen to one another, and be able to work together much more constructively and collaboratively. Today's motion reflects that, and I would like to see the Liberal members support it.

● (1310)

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, I thank my colleague for his remarks.

So far, in today's debate, I have found it unfortunate that the government members, including the last member who spoke and asked a question, seem to be conflating all appointments made by the government of Canada, by the Governor in Council. They are putting them all in the same basket with their new appointment process. All Governor in Council appointments will follow the same standards, whereas in my opinion, two standards should apply.

Certainly, when we talk about the parole board, the social security tribunal, or port authorities like the Montreal Port Authority, a different standard can apply. However, we are talking about officers of Parliament.

Can my colleague distinguish between all these Governor in Council appointments, which relate to various positions with various responsibilities that require various kinds of experience, and officer of Parliament positions? The government should distinguish between these two kinds of positions. Why should officers of Parliament be subject to a different standard from the one that applies to the other Governor in Council appointments?

Mr. Alexandre Boulerice: Mr. Speaker, I thank my colleague from Sherbrooke for his question, which is very timely.

We must indeed distinguish between apples and oranges, and between the various positions and their responsibilities and duties, when it comes to this government's appointments.

Let us be clear. I am going to name seven of the eight officer of Parliament positions. We spoke of them earlier, they are the Auditor General, the Information Commissioner, the Privacy Commissioner, the Conflict of Interest and Ethics Commissioner, the Lobbying Commissioner, the Public Sector Integrity Commissioner and the Parliamentary Budget Officer, who will shortly also be an officer of Parliament.

There is one more, the Chief Electoral Officer. That is the person who coordinates, manages, and oversees our entire electoral process, the way we choose our members of Parliament, the men and women who represent the 35 million Canadians, here in the House. What a complete disaster it would be if someone had been appointed directly by the Prime Minister's Office, using its majority in the House to impose its views on all parliamentarians. We would have a partisan individual in a position that manages general elections. To avoid that catastrophic scenario, we absolutely have to revise our processes and ensure the complete independence of officers of Parliament.

Mr. David de Burgh Graham (Laurentides—Labelle, Lib.): Mr. Speaker, I will be splitting my time with my colleague from Sudbury.

I am pleased to participate in this debate today on a motion to change the rules of the House introduced by a political party that recently fought tooth and nail in defence of the position that the rules of the House should not be amended by way of a motion.

Even though this motion is fundamentally flawed, it gives the House an opportunity to address the question of the role played by officers of Parliament in our system. These individuals must perform crucial and important functions. I want to point out to the House that the expression "officer of Parliament" is also used to refer to the people who report to parliamentarians, which means that they are responsible for the work of Parliament, and that this is what distinguishes them from other senior public servants and officials of Parliament in particular.

In addition, it is useful to ensure that everyone here clearly understands certain fundamental concepts that underlie our discussions today. We must make sure that everyone has the same understanding of the essential facts. For that purpose, I want to put this debate in the relevant broader context it deserves. I want to focus on one very specific aspect, that is, the place held by officers of Parliament in our system of government.

Let me use one example with the conflict of interest and ethics commissioner. It is important to take this big-picture-view because the conflict of interest and ethics commissioner does not operate in a unique legal or procedural environment, nor does the commissioner operate in a vacuum.

The conflict of interest and ethics commissioner is appointed and then performs his or her important role under many of the same conditions as the other agents of Parliament. While each agent of Parliament has a unique mandate, every one of them plays an important role in our democracy. Every one of them has some elements in common that are worth keeping in mind today. They have become important vehicles in support of Parliament's accountability and oversight function. These roles have been established to oversee the exercise of authority by the executive, in other words the Prime Minister, cabinet, and government institutions. It is very clear that they all do precisely that.

For the longest time, there was only one such agent of Parliament, that is, the auditor general, which was established just after Confederation, in 1868. In 1920, Parliament put in place the role of chief electoral officer to ensure an independent body was in place to oversee our elections. It was not until 1970 that the third agent of Parliament was created when the commissioner of official languages was established under the terms of the Official Languages Act of 1969.

To recognize the changing role of information in the government and among citizens, the positions of Privacy Commissioner and Information Commissioner were created in 1983. In 2007, we witnessed the creation of two other positions, that of the Conflict of Interest and Ethics Commissioner and the Public Sector Integrity Commissioner. The Commissioner of Lobbying is the most recent addition to the list of officers of Parliament, having been established in 2008.

While each has a unique set of responsibilities, I have heard this entire group described as “guardians of values.” Each of them is independent from the government of the day. Each of them is mandated to carry out duties assigned by legislation and report to one or both of the Senate and the House of Commons.

Our government recognizes the importance of the work that agents of Parliament do. We recognize the need that they reflect the high standards that Canadians rightly expect.

One key way that our government has demonstrated that recognition is by bringing in a new and rigorous selection process for these positions. We have taken the same approach as we have across other Governor in Council appointments. These appointments are being made through open, transparent, and merit-based approaches.

What does this mean in real terms for officers of Parliament? First of all, there is the application process itself. Notices are posted on the Governor in Council appointments website. The government also publishes a link to that notice in the *Canada Gazette* while the application period is open. Under the new process, everyone who feels qualified to fill the responsibilities of positions, whether for the Conflict of Interest and Ethics Commissioner or any other vacant appointed position, can let their names stand by registering online.

The government is very mindful that we want the best people possible for these important roles. This is why each selection process has its own recruitment strategy. Sometimes an executive search firm may get a contract to help identify a strong pool of potential candidates.

● (1315)

We also sometimes announce the vacancy of a given position to the target communities, such as professional and stakeholder associations, or establish a dialogue with them.

That process eventually helps find a highly competent candidate. However, for the position of Conflict of Interest and Ethics Commissioner, after finding a candidate, the government is required to consult with the leader of each recognized party in the house, and the appointment must clearly be approved by a resolution of the House.

We know that, in practice, the person appointed is invited to appear before the appropriate committee, which reviews that person’s qualifications. Parliamentarians therefore have public opportunities to have a say on these important roles.

Only after that, after the appointment is approved by the House of Commons and the Senate, is the officer of Parliament officially appointed by decree.

The government's appointment process for officers of Parliament is open, transparent and merit-based, and the same is true for other Governor in Council appointees.

The Prime Minister personally committed to bringing a new style of leadership and a new tone to Ottawa. He committed to raising the standards of openness and transparency within the government. He committed to adopting a new style of leadership.

Those commitments are very clear in the new processes. They aim to give the most qualified Canadians the opportunity to serve their country by being appointed by the Governor in Council or otherwise.

Those commitments are proof that strict rules increase the trust Canadians have in elected officials and appointees and in the integrity of policies and decisions made in the public interest.

Officers of Parliament are pillars of our democracy. Their role is essential, as they help us, as parliamentarians, to hold the government to account. I think that we have a system that works well, and I think that Canadians can see that it works well.

That is one of the reasons why I feel that this motion is not needed. The proof is there. Public institutions that are more solid, more open, more transparent, and more accountable help the government remain focused on the people that it should be serving. That means better government for Canadians. That is something that I am very proud to defend and to pass on to future generations.

There is something else as well, and I referred to it at the very beginning. We recently proposed an open discussion on modernizing the rules of the House in the Standing Committee on Procedures and House Affairs. We were blocked for more than 80 hours over several weeks, because the opposition was not interested in having that discussion. Now they present a change to the rules through a motion requiring a majority vote, when they said very loud and clear that that was not admissible.

What exactly is the purpose of the motion before us? It begins by replacing Standing Order 111.1. I will quickly read Standing Order 111.1 to show what we would lose:

> 111.1
>
> Officers of Parliament. Referral of the name of the proposed appointee to committee.
>
> (1) Where the government intends to appoint an Officer of Parliament, the Clerk of the House, the Parliamentary Librarian or the Conflict of Interest and Ethics Commissioner, the name of the proposed appointee shall be deemed referred to the appropriate standing committee, which may consider the appointment during a period of not more than thirty days following the tabling of a document concerning the proposed appointment.
>
> Ratification motion.
>
> (2) Not later than the expiry of the thirty-day period provided for in the present Standing Order, a notice of motion to ratify the appointment shall be put under Routine Proceedings, to be decided without debate or amendment.

The opposition members want to scrap a system in which candidates are referred to appropriate committees with the expertise to assess each candidate as part of their duties and in favour of referral to a small subcommittee made up of just four members, which is itself a subcommittee of the Standing Committee on Procedure and House Affairs. This subcommittee will not have the expertise to deal with issues involved in appointing officers, but it will have a veto, which will be undemocratic, unlike Parliament's veto power. It will also deprive the other 334 MPs of the right and opportunity to have their say about a particular candidate.

It is easy to see that this motion was not thought through, that it is contrary to the values the NDP champions with respect to the role of this kind of motion, and that it will not improve our appointment system.

● (1320)

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, I thank my colleague for his intervention in this debate.

He will not be surprised to hear me asking the same question I asked my colleague from Rosemont—La Petite-Patrie because he repeated exactly what the government has been saying all day long, that the new process is perfect, that everything is just fine, and that it applies to everyone. It applies not only to candidates to the social security tribunal, boards of directors of crown corporations, and parole boards, but also to officers of Parliament, as though this process were perfect for every one of these instances.

Does my colleague not think that there should be a higher standard and a different process involving Parliament for officers of Parliament? These officers serve Parliament above all. Does my colleague not think that there should be two different standards?

There are dozens of traditional Governor in Council appointments made daily. I do not think that is an exaggeration. However, appointing an officer of Parliament is a rare occurrence and merits a different standard, in my view. Does my colleague agree?

Mr. David de Burgh Graham: Mr. Speaker, I agree with the opposition because a second standard already exists.

Not every appointment requires the approval of the House of Commons. Only officer of Parliament appointments do. To me that is a very important standard. The appointment of an officer of Parliament is approved by Parliament.

[*English*]

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Mr. Speaker, it seems to me the member's comments were on how things should ideally work and not how they actually did work on the last appointment.

I would correct him on a few points, one of them being the consultation that is required by the procedure with members opposite. Clearly, they have indicated that they were not consulted but received a letter. That is not consulting. I am sure that when the Liberals were going to implement electoral reform, they did not just send Canadians a letter saying they wanted to use preferred ranked ballot and they were going to implement it. That is not a consultation.

The proceedings were not open and transparent. The heritage minister contradicted what Madame Meilleur had said, there was no disclosure of the meetings with Gerald Butts and Katie Telford in the PMO's office, and it was not revealed that two previous employees of Madame Meilleur now worked for the heritage minister who was choosing her for the position. The openness and transparency that was needed in this process was not present. Would the member agree?

● (1325)

Mr. David de Burgh Graham: Mr. Speaker, in the case of the process the member is discussing, it went to a committee of the House of Commons and the other place. It obviously did not go quite according to plan and that person is not going to be the commissioner, so the process worked quite well.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I have to say I am astonished at the claim that the appointment of Madeleine Meilleur went well. All of us in the opposition benches are in awe of the breadth of—I am searching for a word, and "chutzpah" comes to mind—the chutzpah of the claim that this was an example of things going well.

For poor Madeleine Meilleur, her reputation in the course of all this was not served well. The partisanship of the appointment drew gasps from non-partisan observers of parliamentary appointments. It certainly should not be the case that someone who has had some involvement with a political party is forever not allowed to take a position of trust in a non-partisan sense, but going from Graham Fraser, who had no suggestion of partisanship about his appointment, to Madeleine Meilleur was a disservice to her and to the process.

I wonder if the hon. member could think of a process that might have gone better for the Commissioner of Official Languages.

Mr. David de Burgh Graham: Mr. Speaker, I did not say the appointment went well; I said the process worked. We saw what happened.

There are always possibilities of changing processes, but the process we have will produce very good results for all appointments going forward.

Mr. Paul Lefebvre (Sudbury, Lib.): Mr. Speaker, it is my pleasure to take part in this debate today to speak to the motion by the member for Skeena—Bulkley Valley. He asserts that Standing Order 111.1 should be replaced and should include the creation of a subcommittee on appointments of the Standing Committee on Procedure and House Affairs, and the subcommittee should comprise one member from each of the parties recognized in this House.

It is valuable to ensure that everyone in this chamber is clear about some of the fundamental elements that underpin our discussion today. It is helpful to ensure that we are working with a shared understanding of core facts. To that end, I want to put this debate in the context of how this motion proposes a fundamental shift in authority in the appointments of the officers and agents of Parliament positions that are subject to Standing Order 111.1.

Effectively, this motion suggests removing the authority of the elected government to make decisions with regard to these appoints and handing it over to the opposition parties, actually giving them a veto.

I would like to focus specifically on this very topic: the elected government's authority and its responsibility with respect to these appointments. It is important to look at this authority and responsibility in the broader context of how the Governor in Council appointments process works.

In February 2016, the Prime Minister introduced a new approach to the Governor in Council appointments, which supports selection processes that are open to all Canadians who are interested in applying. Indeed, a cornerstone of this approach is the government's commitment to Governor in Council appointments that achieve gender parity and that reflect Canada's diversity.

I also cannot emphasize enough that under this new approach some 1,500 Governor in Council opportunities can be seen by all Canadians and all parliamentarians. Included in this are the appointment opportunities for important independent leadership positions, including officer of Parliament positions such as the clerk of the House and the parliamentary librarian. Selection processes are open, and communication with the public is central to the approach.

The processes are transparent. Governor in Council opportunities and information regarding appointments made by the Governor in Council are available online to the public. Selection processes are based on merit. There is a rigorous selection process, with established selection criteria. The government has now completed more than 60 selection processes and has 100 selection processes under way.

The process for the selection of each Governor in Council appointment is based on the selection criteria that have been developed and advertised. Assessment of candidates is evaluated against those criteria.

Under the new process, everyone who feels qualified to fill the responsibilities of positions can apply online. Only candidates who apply online, however, will be considered. This creates an even playing field for all individuals interested in Governor in Council positions and who want to put forward their candidacy.

This is an appointments system that is designed to bring forward highly qualified people.

For officer and agent of Parliament positions, there are legislative provisions that involve Parliament. There are also statutory requirements for these positions whereby one or both houses of Parliament must be consulted, and approval of one or both houses is required before an appointment can be made.

In recent weeks, what defines consultation has been a topic of considerable debate in both chambers and in the public. The governing legislation for each of these positions is silent on the nature and scope of this consultation. This government has consulted by writing to the leaders of the recognized parties in one or both houses, as required by statute, providing the name of the government's proposed nominee and encouraging comment from the leaders.

I would like to remind this chamber that on May 29, Mr. Speaker, you ruled on an earlier point of order by the hon. member for Victoria concerning the consultations conducted in a recent nomination process.

Let us be very clear. While consultation is a first and important step in the parliamentary process, it is not the only one. The appointment of an officer or agent of Parliament must be approved by resolution of either one or both houses. Before that can happen, the nominee for the position is traditionally invited to appear before the appropriate House committee or committees. These appearances are forums where members can delve more deeply into the proposed appointee's credentials and qualifications and for the committee to provide a recommendation to the House.

This is all currently provided for in the Standing Orders and allows for a more diverse perspective, as opposed to referring each time to the same group of committee members.

● (1330)

At the end of the day, however, the government, through the Governor in Council, has the responsibility to make that decision.

The member's motion being debated today essentially proposes an opposition veto that would remove the right that all members have to vote on an appointment of an officer of Parliament, regardless of the committee's recommendation. This cannot, and should not, be delegated to a small subcommittee of four members of Parliament.

Robust and more open, transparent, and accountable public institutions help the government remain focused on the people it was meant to serve. Strong rules enhance the trust and confidence of Canadians in our elected and appointed officials and in the integrity of public policies and decisions.

This motion proposes the very opposite of openness, transparency, and accountability, which is why I cannot support it.

[*Translation*]

Mr. François Choquette (Drummond, NDP): Mr. Speaker, I had time to hear a few snippets of my colleague's speech, as I just came from the Standing Committee on Official Languages, which I am a member of.

On the topic of appointing commissioners, specifically the official languages commissioner, subsection 49(1) of the Official Languages Act compels the government to consult the leaders of the official opposition before appointing a commissioner.

I would like to hear my hon. colleague's thoughts on the fact that Madeleine Meilleur, the government's choice for the position, said that she was told back in April that she would be the next commissioner, in a call from the Deputy Minister of Justice. The opposition leaders were not informed until sometime in May.

Does my colleague think the current process is working? It appears to be breaking the law.

Mr. Paul Lefebvre: Mr. Speaker, it is important to look at how far we have come.

We used to have a process whereby the Prime Minister alone selected the appointees. The Liberal Party decided to bring in an open and transparent process that anyone can participate in. A third party then conducts an independent evaluation and provides a short list of possible candidates. The Prime Minister's Office and the minister then choose the candidates that could be appointed. The process works.

The member for Victoria even raised a point of order in the House and asked the Speaker's office to rule on whether the process had been followed. The Speaker issued a ruling, and yes, the consultation process was followed, so the process is working at this time.

● (1335)

[*English*]

Mr. Alistair MacGregor (Cowichan—Malahat—Langford, NDP): Mr. Speaker, previously the member for Laurentides—Labelle suggested that the process worked well because the candidate, Madame Meilleur, actually withdrew her candidacy. If we have to rely on the process being so bad for candidates that they withdraw their candidacy, I think the process is in very big trouble.

The committee we have proposed in this motion is a way for prospective candidates to maintain some dignity in the whole process, for them to be interviewed with respect and vetted by members of Parliament, rather than the process that we just had where Madame Meilleur had her name dragged through question period and through articles. Her credibility and her stature as a person suffered through this whole process, precisely because the government did not do its homework, did not consult with the opposition. The process does not work as it currently stands.

We are putting forward a constructive proposal to fix the process. If the Liberals have such a problem with the process, I would like to at least hear some constructive feedback on what they would like to do to amend this motion, to maybe make the language clearer, rather than just throwing the whole process out.

Mr. Paul Lefebvre: Mr. Speaker, at this time the process is very clear.

Concerning what has occurred in the case of Madame Meilleur, I was on the official languages committee that actually interviewed Madame Meilleur, and everybody was unanimous about her qualifications. She qualified. However, partisanship took its place, took a toll, and that all came in. That is the result of what has happened to Madame Meilleur, who was qualified as a candidate, and all the parties were in agreement. That is the process that was followed. We had a qualified candidate.

What the NDP is proposing is to have a veto on the process. That is not acceptable.

Ms. Kamal Khera (Parliamentary Secretary to the Minister of National Revenue, Lib.): Mr. Speaker, I thank my hon. colleague for highlighting the importance of our government's commitment to an appointment process that is truly open, transparent and merit-based, a process of which Canadians can be proud, a process that Canadians can truly trust.

Could the member please highlight how this appointment process truly reflects the diversity of our country?

Mr. Paul Lefebvre: Mr. Speaker, as I mentioned before, we have come from a process where it was 100% decided by the Prime Minister. He just picked whomever he wanted, and from there he or she was named.

We wanted to make it a more transparent, inclusive process and to attract the most highly-qualified candidate. In the process of the official languages commissioner, we chose from 72 applications. Anybody could apply. It was not that if people knew the Prime Minister, they knew they had a job. Anybody could apply, and 72 people applied. A third party evaluated the applications and decided on a short list that was then recommended to the appropriate minister.

This is an open and transparent process that we have never seen before. That is why it is a very effective process.

[*Translation*]

Mr. François Choquette (Drummond, NDP): Mr. Speaker, I am both happy and sad at being required to stand in the House today regarding this motion, and that the NDP was required to table it. Contrary to what my colleague has just stated, the appointment process for senior parliamentary officials is flawed. It does not work. It has been damaged and has lost a lot of credibility.

I would like to inform the House that I will be sharing my time with the excellent member for Sherbrooke, the champion of mandatory labelling of GMOs. That is another fight that we are leading together to ensure that one day there will be transparency and all Canadians will know what they are eating.

That is the transparency that we also want to see in the appointment process for the highest offices in government. Officers of Parliament are hired by Parliament, not by the Liberal government. It is important for the Liberals to understand that. Officers of Parliament are not only accountable to the government, they are also accountable to Parliament.

Those officers of Parliament are our watchdogs. They ensure that the government follows the rules and the laws. It is very important to have these impartial people. That is the entire problem with the last appointment.

I will come back to that, as it is a matter that I followed with much interest. It took up almost six weeks of my time and the time of official language communities, including FCFA and QCGN members. They all lost precious time because of the partisan appointment of Madeleine Meilleur, instead of working on extremely important official languages issues, such as immigration in official language communities. We are facing a major problem, as we are not meeting our immigration targets.

Early childhood is another important issue. If we want to ensure that younger generations are committed to our official language communities, children must be able to attend day care in French, or in English in Quebec.

These are issues that we must address. In the meantime, we must ensure that the appointment process is not tainted by Liberal partisanship.

The new process was used to appoint Ms. Meilleur. We are not calling into question everything about the new process. The problem is that the process was undermined internally because Madeleine Meilleur had privileged access to the Prime Minister's senior officials, people in charge of the Liberal machine. I am talking about Katie Telford and Gerry Butts.

Ms. Meilleur had coffee with these people, which is something that the other candidates did not have the opportunity to do. Then, after enjoying that privileged access, she got a call from a public servant at the Department of Justice, which is quite an impressive thing.

On Thursday, May 18, 2017, when Madeleine Meilleur appeared before the House of Commons Standing Committee on Official Languages, she was asked who had told her that she was the candidate who had been selected.

She said, “I got a telephone call that my name was going to be put forward to the Prime Minister.”

She was then asked who had called her, and she responded, “It was staff from the Minister of Justice.”

She was asked on what date that had occurred and she answered, “It was late April, I think.”

We all know what happened next.

In April, an employee of the Department of Justice called Madeleine Meilleur to tell her that she was the successful candidate. In May, the opposition leaders received a letter telling them that Ms. Meilleur had been selected. There was no consultation.

● (1340)

How can we talk about consultation when Ms. Meilleur was already told last April that she had the job?

If there had been consultation, the leaders of the opposition parties would have been consulted, and Ms. Meilleur would then have been advised that her appointment had also been approved by the leaders of the opposition. The process in this case was completely backwards. That does not work.

This whole affair so undermined the credibility of the process that the FCFA said that it absolutely had to have a meeting, because the process was not working and there were outcries on all sides. The FCFA and the QCGN stated that they absolutely had to meet with the highest office holder in official languages, the Prime Minister of the country, who is responsible for official languages. They requested a meeting with the Prime Minister of Canada. Numerous newspaper articles mentioned that the FCFA and the QCGN wanted to meet with the Prime Minister because this was a serious situation. It is unprecedented for an appointment to be questioned that way, during six weeks of total unending controversy.

It did not end there. People filed complaints with the Office of the Commissioner of Official Languages because the Liberal government, the Prime Minister’s Office, did not comply with the Official Languages Act. Subsection 49(1) was breached. I myself filed a complaint, along with other Canadians. Why? Because that section is very important. It clearly states that “[t]he Governor in Council shall…appoint a Commissioner of Official Languages for Canada after consultation with the leader of every recognized party in the Senate and House of Commons…”, which was not done.

That is the second time that I file a complaint against the Prime Minister. The other time was when he wanted to speak only in English in Ontario, while on a cross-country consultation, a consultation of all Canadians. There are official language communities that speak only French in Ontario. After that, he went to the Sherbrooke area, the riding of my colleague and champion of GMO labelling. He spoke only in French, saying that he would not answer questions in English. That is a failure to recognize the reality of Canada. There are two official languages.

When you are Prime Minister of Canada and you embark on a cross-Canada consultation, you must respect both official languages, hence my question:

Does anyone think that I or any other Canadian citizen would have been able to file a complaint against the Prime Minister if the commissioner had been a personal friend of the Prime Minister's, a personal friend of the highest-ranking people in government and the Liberal Party? I am talking about Katie Telford and Gerald Butts.

Does anyone think I would have been comfortable with that?

According to subsection 58(4), the commissioner has the right to refuse to investigate. The Act says:

> The Commissioner may refuse to investigate or cease to investigate any complaint if in the opinion of the Commissioner (a) the subject-matter of the complaint is trivial; (b) the complaint is frivolous or vexatious...; or (c) the subject-matter of the complaint does not involve a contravention...of this Act....

Ms. Meilleur could have rejected the complaint. How would I have known if it had to do with a different assessment of the situation or a desire to protect her Liberal friends?

To say that what has happened up to now was legitimate is false. The process was completely undermined. It needs to be revised and revamped. The vision set out in my colleague's motion is a good one. It outlines a process that includes opposition parties and relevant communities and guards against bad decisions like the one to appoint Madeleine Meilleur.

● (1345)

My colleague said that she was a very good candidate. Despite having all the skills, however, her one flaw is that she is too close to the government. She lacks impartiality, which is critical to serving in a watchdog position such as official languages commissioner. Commissioners are the highest-ranking officers in Parliament.

In conclusion, I hope that the Liberal government will implement a better process for the very important appointments that it will soon be making.

Mr. René Arseneault (Madawaska—Restigouche, Lib.): Mr. Speaker, I would like to thank my NDP colleague, who has done fine work on the Standing Committee on Official Languages, which is a dynamic committee.

I would like to know what he thinks about the fact that these senior officer positions, including the position of Commissioner of Official Languages, were formerly nominated by the prime minister. This time, Canadians were invited to apply, and 72 people expressed interest in the position. A committee was then struck to screen the applications and choose the candidate.

I would like to know my colleague's thoughts on this selection process, in which the 71 other people who applied for this position, a senior official of Canada, were ultimately put aside.

What does he think about the committee that did the screening? In his opinion, why should we not just invite all Canadians to apply for Ms. Meilleur's position? She has resigned, in fact, and that is her right.

● (1350)

Mr. François Choquette: Mr. Speaker, the process put in place by the Liberals seemed to be working very well. However, the government threw a spanner in the works when some people were given privileges and were able to meet with the most senior officials in the Liberal government, the people closest to the Prime Minister.

In addition, the members of the firm they retained to do the screening did not even know that a commissioner had been selected. They learned that from the media, although they were supposed to call the candidates who had not been selected. Even the finalists learned about Ms. Meilleur's appointment from the media. The process was therefore compromised.

We also know that the final evaluation was done by the heritage minister, although two of her employees formerly worked for Madeleine Meilleur. The process became more and more compromised as it moved along.

That is what we are telling our colleague. The process is not entirely flawed, but it has to be reviewed.

[*English*]

Hon. Erin O'Toole (Durham, CPC): Mr. Speaker, I would like to thank the hon. member for his speech. Ironically, I would also like to thank the NDP for bringing this proposal forward to debate, because I think Canadians are concerned that there is an appointments committee right now, and its name is Gerry Butts. He seems to be able to appoint whomever he wants, whenever he wants, with some cursory level of oversight to give talking points to the ministers to defend these appointments. Therefore, the NDP is bringing a very valid debate to the House today.

With respect to the Commissioner of Official Languages, the minister conflicted not only the evidentiary record of Madam Meilleur in the House, which was brought up by the NDP leader, the member for Outremont, but she refused to retract her statements after evidence was provided to show that she was not giving a complete statement to the House. I would like the member to comment on how the minister handled the selling of this appointment to Canadians after Mr. Butts made the decision.

[*Translation*]

Mr. François Choquette: Mr. Speaker, I would like to thank my colleague for his question and comments.

He has shown the whole scandal, all the problems that were disclosed week after week, for six weeks running. Nearly every other day, there was something new showing that Ms. Meilleur's appointment was not made by the book or impartially, and that she had special rights and privileged access to the most senior officials in the Liberal government and around the Prime Minister. I am talking about Gerald Butts and Katie Telford. There was no final interview with the Minister of Canadian Heritage, who herself, here in the House, stated that Ms. Meilleur had never had any special contact with Katie Telford and Gerald Butts. However, Ms. Meilleur herself confirmed that fact to the Standing Committee on Official Languages and to the Senate committee.

In fact, there have been problems since the beginning. That is why the process must be reviewed, and we are proposing one today.

● (1355)

The Deputy Speaker: Before giving the floor to the hon. member for Sherbrooke, I must inform him that he has about three or four minutes for his speech. Of course, he will have the rest of the time later to finish his speech.

The hon. member for Sherbrooke.

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, it is a pleasure for me to rise following my colleague from Drummond, who has been working on this file for some time. He has put a lot of effort into it. I would also like to thank my colleague from Skeena—Bulkley Valley, who introduced the motion before us today. This motion seeks to replace a process for appointing officers of Parliament that is obviously completely broken.

For the benefit of my colleagues and of those listening or watching, it is worth providing some context for the motion we have introduced today. Had the government followed a proper appointment process in the case of the Commissioner of Official Languages, we would not have introduced this motion today. It is therefore a sequence of events and a context that have forced us to propose a solution to the problem at hand. We certainly do not want to have to face it again because, as we know, officers of Parliament, in all the positions we are familiar with, are individuals who must demonstrate the greatest possible independence and impartiality. We need only think of the position of Chief Electoral Officer. Everyone here will agree that this position requires the utmost impartiality. Everyone in the House has gone through an electoral process and will agree that the individual who oversees elections must obviously be impartial.

However, going back to the appointment of the Commissioner of Official Languages, this all began because the commissioner, Mr. Fraser, was retiring. As the position was becoming vacant, the government launched a selection process to accept applications. Everything was going well up to that point. Many of us in the House know what happened next. The government announced that a candidate was appointed. However, she was chosen not only because of her qualifications, but also for her very close ties to certain senior officials in the office of the Prime Minister. She herself admitted it, although the Minister of Canadian Heritage tried to deny this. She had contacted officials in the office of the Prime Minister directly in an attempt to bypass the appointment process. Obviously, her connections got her the position.

My time is up. I will be pleased to continue later on today.

The Speaker: The hon. member will have seven minutes to continue his speech after oral questions.

STATEMENTS BY MEMBERS

[*Translation*]

AVEOS WORKERS

Mr. Simon Marcil (Mirabel, BQ): Mr. Speaker, I wish to draw attention to the presence in our gallery of former Aveos workers.

In 2012, workers at Aveos lost their jobs because the government decided to break its own law. Instead of supporting the workers, Ottawa did the opposite and made it legal for Air Canada to close its maintenance centres, which cost hundreds of jobs.

Worse still, after they lost their jobs, the workers had the Canada Employment Insurance Commission on their backs. Some widows were asked to pay back as much as $20,000.

Today we are appealing to the Minister of Employment, Workforce Development and Labour to do the workers justice by cancelling the redress process by the Canada Employment Insurance Commission, as she is authorized to do under the act.

I can assure the House that the Bloc Québécois stands behind Aveos workers. We have always done so in the past, and we will continue to do so both today and in the future.

CHARLES-EUGÈNE MARIN

Mr. Rémi Massé (Avignon—La Mitis—Matane—Matapédia, Lib.): Mr. Speaker, it is with great sadness that we learned last week of the death of Charles-Eugène Marin, doctor and politician who made his mark in the Gaspé with his passion and determination.

Charles-Eugène Marin is an example of devotion and commitment. In addition to serving in municipal politics as mayor of Sainte-Anne-des-Monts, this exceptional man also served as member of Parliament from 1984 to 1993.

Mr. Marin was always a strong defender of our corner of the country. He was completely devoted to improving his community and always believed in our region's potential. Through hard work and determination, he founded the Exploramer museum in Sainte-Anne-des-Monts.

I want to take this opportunity in the House to pay tribute to him. My colleague the Minister of National Revenue and I also wish to extend our condolences to his family, friends, and loved ones.

* * *

● (1400)

[*English*]

JIM FINKBEINER

Mr. Ben Lobb (Huron—Bruce, CPC): Mr. Speaker, last Thursday, Huron—Bruce lost one of our good guys. Jim Finkbeiner passed away at 72 years of age from complications from Alzheimer's.

After Jim's diagnosis nearly nine years ago, he and his wife Linda decided they would face the disease head on. Jim enjoyed walking, so they decided he would raise awareness in conjunction with the annual Walk for Memories. In spite of his illness, Jim did four walks in total. His most prolific walk was a 33-kilometre walk, outside in the middle of January, from Exeter to Clinton, Ontario.

Jim was involved in the Alzheimer national campaign and he was a regional spokesman. Jim's final walk took place on Saturday, with over 100 friends and family walking from the Crediton Community Centre to the cemetery.

I thank the Huron County Alzheimer Society, the South Huron Fire Department, and everyone who supported Jim and Linda. I thank Linda, their sons Robb and Russ, and the extended family for taking us on their journey. God bless, and may we someday find a cure.

* * *

PHILIPPINE INDEPENDENCE DAY

Mrs. Salma Zahid (Scarborough Centre, Lib.): Mr. Speaker, I rise in the House today to recognize the Philippines' Independence Day, which commemorates the 1898 declaration of independence by the Philippines after 300 years of Spanish rule. It is a day to celebrate and recognize the contributions that Filipinos are making around the world.

Canada is home to a prosperous Filipino community. They are our neighbours and friends, our co-workers, and our caregivers. As we celebrate the 150th anniversary of Canadian Confederation, Filipinos are an important part of the diversity that makes Canada strong. My riding of Scarborough Centre is blessed with a thriving Filipino Canadian population whose culture and cuisine help make Scarborough a great place to live.

To all those celebrating in Scarborough and across Canada, *mabuhay*, Canada, *mabuhay*, Philippines.

* * *

WORKPLACE SAFETY

Mr. Scott Duvall (Hamilton Mountain, NDP): Mr. Speaker, 25 years ago, on May 9, 1992, an explosion rocked the Westray mine in Nova Scotia, killing 26 workers and forever scarring the surrounding communities. The bodies of 11 men were never recovered. The inquiry that followed concluded the disaster was the result "of incompetence, of mismanagement, of bureaucratic bungling, of deceit, of ruthlessness, of cover-up...and of cynical indifference." Despite these findings, no mine manager, CEO, or government regulator was ever held responsible.

A group of dedicated volunteers set out to change the law, resulting in the Government of Canada unanimously passing changes to the Criminal Code in 2003 in what is known as the Westray law. Still, nearly 1,000 Canadian workers are killed each year and many of these deaths are preventable. In 14 years since the Westray law was passed, only one person has ever been convicted under the law. That is shameful.

In memory of those who were lost in the Westray mine disaster, stop the killing and enforce the law.

* * *

[*Translation*]

ECONOMIC DEVELOPMENT OF SHEFFORD

Mr. Pierre Breton (Shefford, Lib.): Mr. Speaker, our government believes innovation is key to development in Canada, which is why I am pleased to acknowledge the 10th anniversary of BRP's revolutionary three-wheel motorcycle, the Can-Am Spyder.

There are now more than 100,000 enthusiasts around the world. More than 3,000 owners from around the world came to Valcourt in my riding, the home of this machine that would define an entirely new market.

BRP is known for its leadership in research and development into innovative products.

I want to thank BRP's 2,000 employees in Valcourt who contribute to the economic development of the riding of Shefford. They are the most important asset of our community and our country and they do us proud.

Happy 10th anniversary to the Spyder.

● (1405)

[*English*]

CANADA'S 150TH ANNIVERSARY

Ms. Rachael Harder (Lethbridge, CPC): Mr. Speaker, as we approach Canada's 150th birthday, it gives us the chance to stop and reflect on our past, to celebrate our present, and to look to our future with anticipation.

Together, as Canadians from coast to coast, we celebrate the place we call home. We celebrate the first nations peoples, who were the first to live in our great country. We celebrate the voyageurs, who risked everything to discover new land and forge new beginnings. We celebrate the Fathers of Confederation for their wisdom and their leadership. We celebrate all those who have contributed to our great country by building homes, by adding their skills and abilities to the labour market, by contributing to the fine arts, by participating in sports, and by offering their time and their talents through volunteerism.

We are a diverse country, in geography, in history, and in our people. Canada is the place we call home, and we are very blessed to do so. As we move forward, may we adopt the best of our past, steward our present, and build for our future.

* * *

COME FROM AWAY

Mr. John Oliver (Oakville, Lib.): Mr. Speaker, "On 9/11, the world stopped. On 9/12, their stories moved us all." This is the opening line from *Come From Away*.

I have the immense pleasure of recognizing that a major Tony Award for best director was awarded to the blockbuster musical that got its start at Sheridan College.

Sheridan College, in my riding of Oakville, is home to the Canadian Music Theatre Project, the incubator that first developed and produced *Come From Away*.

Only five Canadians musicals have made it to Broadway. I could not be more proud to say that Sheridan is the first Canadian post-secondary institution in the history of the Tony Awards to have seven nominations and a Tony awarded for its production. I know all Canadians, especially my colleagues from Newfoundland, share that pride.

When this amazing production returns to Toronto in 2018, I hope everyone comes out to join me to see this uniquely Canadian story.

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2017 STANLEY CUP

Mr. Darren Fisher (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, today I am so proud to rise and commend once again our Dartmouth—Cole Harbour hometown boy and three-time Stanley Cup champion, Sidney Crosby.

Crosby is a super role model for kids across Canada, not just because of all the trophies but because of his philanthropy in the community, his hard work, his winning attitude, and his resilience.

He is just the third player in NHL history to win playoff MVP in consecutive seasons and just the sixth player to win it twice in a career. “Sid the Kid” finished the 2017 Stanley Cup playoffs with 27 points in 24 games. In the words of Canada's own Don Cherry, he is the best player in the world. “Here's to you Sid”.

Bring that cup back home to Cole Harbour. We are ready to plan the parade.

* * *

[*Translation*]

YOUNG GRADUATES FROM PORTNEUF—JACQUES-CARTIER

Mr. Joël Godin (Portneuf—Jacques-Cartier, CPC): Mr. Speaker, I rise today as a member of Parliament and a father to acknowledge a very important time for all Canadian students who have finished or are about to finish the school year and begin their well-deserved summer holidays.

Saturday, I was proud to attend my son Charles-Antoine's graduation from Séminaire Saint-François. I believe that all of the parents of children who are finishing elementary, junior high, high school, college, or university are just as proud of their children's success. These are very important stages of life.

I gave all of the high school graduates in my riding a personalized certificate to recognize their perseverance in getting their diploma. These are students from École secondaire Dollard-des-Ormeaux in Shannon, École secondaire de Donnacona, École secondaire Saint-Marc-des-Carrières, École secondaire Louis-Jobin in Saint-Raymond, École secondaire Mont-Saint-Sacrement, and École des Pionniers in Saint-Augustin-de-Desmaures.

We need to take care of our young people. We need to believe in them and take good care of them, and I mean good care.

I wish all young Canadians a great summer.

* * *

[*English*]

KOSOVO

Ms. Anita Vandenbeld (Ottawa West—Nepean, Lib.): Mr. Speaker, in every generation Canadians have come together as a country to welcome families from abroad fleeing turmoil to make a new home in Canada.

For our parents, they will always remember the Vietnamese. For today's young Canadians, it will be the story of the Syrian refugees. For my generation, we will always remember those who arrived from Kosovo in 1999.

I was in Kosovo, working with the OSCE as an adviser to the Parliamentary Assembly, when it declared independence. The experience of watching a new country born is one that I will never forget.

Today, as we celebrate the 18th anniversary of the arrival of the Kosovo refugees in Canada, we welcome to Parliament some of those former refugees who are successful leaders in the arts, in the media, in sports, and in business, along with those generous Canadians who opened their hearts and homes to welcome them.

We thank them for their contributions to our country.

Faleminderit shumë.

* * *

● (1410)

RUSSIA

Mr. Matt DeCourcey (Fredericton, Lib.): Mr. Speaker, yesterday thousands of Russian citizens assembled peacefully in cities right across Russia. Their purpose was to demand that the government put an end to cases of rampant corruption.

This is not the first such protest. Just as in March of this year, the Russian authorities moved quickly to clamp down on the legitimate expression of discontent. Over 1,500 people were reported detained simply for exercising their right to join their fellow citizens in protest and peaceful assembly.

Organizers of the Moscow and St. Petersburg protests were arrested before they even left home. Although many have since been released, others remain in custody.

Peaceful protests, in which citizens can freely voice their concerns, are critical to a functioning democracy. Canadians are greatly concerned by these arrests and the civil rights of the Russian people.

We call for the respect of democratic rights and norms and the immediate release of all peaceful protestors and journalists detained. We have repeatedly and forcefully spoken out against rights abuses in Russia, and Canada will continue to do so.

* * *

[*Translation*]

LOTBINIÈRE ASSOCIATION FOR PEOPLE WITH DISABILITIES

Mr. Jacques Gourde (Lévis—Lotbinière, CPC): Mr. Speaker, I wanted to add my voice to those celebrating the 40th anniversary of the creation of the Association des personnes handicapées de Lotbinière, which is supported by a wonderful team and several partners and allies.

I applaud all the dedication and hard work done to address the concerns and demands associated with defending the rights of, and achieving equality for, people with disabilities.

The services provided have helped end the isolation of these vulnerable people and have given some respite to many families, while always encouraging people with disabilities to be autonomous and push their own limits.

The Association des personnes handicapées de Lotbinière is a pivotal force in our region. It fosters caring and mutual support among peers and definitely enhances our entire community.

I want to thank all of these caring and engaged people for working their small miracles, day in and day out, for 40 years now.

NATIONAL PUBLIC SERVICE WEEK

Mr. Steven MacKinnon (Gatineau, Lib.): Mr. Speaker, this is National Public Service Week, which is an opportunity to celebrate and thank all our public servants, whose expertise and hard work are unparalleled in the world.

As the member of Parliament for Gatineau, I meet public servants every day who demonstrate dedication and generosity above and beyond their assigned duties. Obviously they serve Canadians from coast to coast to coast, but they also help their neighbours and loved, not only when faced with great challenges, but also when they volunteer for minor soccer or with their local charities.

[*English*]

I have had the honour to be Parliamentary Secretary to the Minister of Public Services and Procurement since January, and it has allowed me to witness first-hand the great work our public servants do each and every day.

[*Translation*]

From the bottom of my heart, I thank them on behalf of all Canadians.

* * *

[*English*]

ROLLY MARENTETTE

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, I rise to honour the life of Rolly Marentette, who passed away on May 24.

Rolly was a champion for the rights of injured workers and the disabled. He was a social justice activist who worked tirelessly to make life better for those in need. He organized the first local recognition ceremony for the International Day of Mourning in Windsor and established a monument to these workers in Reaume Park.

Rolly was a labour and community leader who made a real difference in the lives of so many. His compassion and knowledge grew our community into a more tolerant, fair, and just way. Rolly is missed at our local ceremonies, marches, and community events.

On behalf of residents of Windsor and Essex, our thoughts and prayers are with his wife Sandra and his family.

Before he passed, Rolly wrote, “One day soon my voice will be silenced. I believe the people in this room can and will continue to be the voice for those of us who can no longer speak.”

He would be proud that today I wear a lapel pin for the House of Commons security staff, because Rolly was about the workplace and the workplace is about ensuring it is good, equal, fair, and safe for all.

* * *

● (1415)

RUSSIA

Mr. Tom Kmiec (Calgary Shepard, CPC): Mr. Speaker, I rise to bring attention to yesterday's mass detentions of over 1,500 peaceful protesters in Russia.

Alexei Navalny, an opposition leader and presidential challenger to Putin, was arrested and jailed for 30 days for organizing protests against the Russian Federation, from St. Petersburg to Vladivostok. These are the first protests since the March 26 peaceful anti-corruption marches against Putin.

On Russia Day, President Putin has again shut down democracy and prohibited freedom of expression, yet our Prime Minister continues to co-operate with Russia, while ignoring the country's rampant human rights abuses and anti-democratic practices. The Liberal government's appeasement of Putin is a continuation of a policy of cozing up to dictators.

President Reagan once said:

> ...this is the specter our well-meaning liberal friends refuse to face—that their policy of accommodation is appeasement, and it gives no choice between peace and war, only between fight and surrender.

We join the government on this side of the House in calling for the release of Alexei Navalny and Maria Baronova of Open Russia as well. They deserve freedom, democracy, and the protection of their human rights.

* * *

MEN'S HEALTH WEEK

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, let us talk about men. As a doctor, I know men well. They often neglect their health. They do not seek medical attention until serious problems develop.

This is Men's Health Week. As a women, it gives me, and indeed all of us women, an opportunity to give them a talking-to. Let us advocate for their better health.

This year's message focuses on spreading men's health awareness to the general public, and to men in particular. Our government supports this awareness message, with a $4 million fund.

Check out dontchangemuch.ca. It celebrates Men's Health Week and Father's Day, allowing family and friends to send e-cards with a health message. It is an easy way to get the message out and help men make the small changes to lead a healthy lifestyle.

I ask the guys to listen up. We care about their health, and that goes for my three sons.

ORAL QUESTIONS

[*English*]

TAXATION

Mr. Andrew Scheer (Leader of the Opposition, CPC): Mr. Speaker, I know that the Prime Minister is eager to get out of Ottawa so he can start his summer vacation, but summer vacation is getting more and more expensive for Canadians, thanks to Liberal tax hikes. If one wants to enjoy a nice cold beer, there is a new Liberal tax on that; a refreshing glass of wine, there is a new tax on that. There is even a tax on taking the family to a campsite for the summer. These taxes will go up year after year forever.

Can the Prime Minister tell hard-working Canadians why he does not think they should enjoy their summer vacations just as much as he does?

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, as part of my summer plans, I am going to be doing what millions of Canadians will be doing, which will be enjoying Canada's national parks absolutely free of charge. For our 150th birthday, we have given all Canadians free access to our national parks to get them to enjoy the natural beauty of this country.

On taxes, we are proud on this side of the aisle that we have actually lowered taxes on the middle class and raised them on the wealthiest 1%. Quite frankly, it remains a shame that those members opposite voted against raising taxes on the wealthiest 1%.

* * *

PUBLIC SAFETY

Mr. Andrew Scheer (Leader of the Opposition, CPC): Mr. Speaker, we voted against raising taxes on hard-working Canadians, and we will always do that.

[*Translation*]

As parents get ready for summer, their children's safety is their priority. If a high-risk pedophile lives in their neighbourhood, parents have a right to know, and the Liberals have no right to keep that information from them. Nobody can protect children better than their own parents.

Can the Prime Minister confirm that he will make this information available to parents so they can protect their children this summer?

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, protecting children and our communities is a priority for our government, as it has always been for every one of this country's governments regardless of the party in power. We take this responsibility very seriously, and we are working with police agencies to ensure that, if there are criminals or individuals who pose a threat, that information is known and appropriate measures are taken.

[*English*]

Mr. Andrew Scheer (Leader of the Opposition, CPC): Mr. Speaker, like most parents, my kids will be home from school this summer, and like most parents, I will be encouraging them to get outside and play around the neighbourhood and to stay safe. The Prime Minister can help parents protect their children by sharing information on high-risk child sex offenders living in our neighbourhoods, and not just with the police but with parents themselves, but the Liberals want to hide that information from Canadian parents.

Why is it that the Prime Minister seems to like every single kind of registry except for one that will actually help parents protect their kids?

● (1420)

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, we know that it is extremely important to protect our communities and our children. We take that extraordinarily seriously, like any government would. We do not pretend that it is not something the Conservatives would do. We would do it as well. However, they put forward proposals that were unfunded and that were not able to be implemented.

We take very seriously giving our police officers and public security officers the necessary tools to keep our families and communities safe, and that is what we will continue to do.

* * *

[*Translation*]

FOREIGN INVESTMENT

Mr. Andrew Scheer (Leader of the Opposition, CPC): Mr. Speaker, when the Prime Minister approves the sale of communications companies to appease the Chinese government, it raises concerns for our allies. Michael Wessel, head of the U.S.-China Economic and Security Review Commission, said that Canada's approval of the sale of Norsat to a Chinese entity raises significant national security concerns for the United States.

My question for the Prime Minister is simple. What harm would it do to conduct a comprehensive national security review of this transaction?

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, every transaction of this type is assessed by our national security agencies, and we also consult our allies. I can confirm that we consulted with the United States in this specific case. As a government, we respect and follow the recommendations of our allies and national security agencies on these matters.

[*English*]

Mr. Andrew Scheer (Leader of the Opposition, CPC): Mr. Speaker, the Prime Minister is jeopardizing our national security interests, and our allies are taking notice.

Can the Prime Minister explain what is wrong with holding a full, comprehensive national security review? Is he going to do it, yes or no? It is a clear question that deserves a clear answer.

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, every transaction of this type that falls under the Investment Canada Act is carefully assessed by all national security agencies. On top of that, we do consult with our allies, and in this case, directly consulted with the United States on this situation.

Our national security experts assessed the deal and the technology and concluded that there were no national security concerns. We always follow the advice of our security experts on these matters.

Hon. Thomas Mulcair (Outremont, NDP): Mr. Speaker, how can the Prime Minister claim that there were no national security concerns when there has been no national security review? That review only takes place when the minister responsible for the statute orders it, and there has been no such order.

Now the Prime Minister is trying to invent a new category of "careful assessment". Can he please tell us the legal distinction between the national security review provided by statute and a careful assessment that is provided nowhere?

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, every single transaction of this sort is subject to a national security review. This is a multi-step assessment process, and that process was followed.

We take advice and feedback from our national security agencies very seriously, and based on that advice, we proceeded with this transaction. In this particular case, our security agencies consulted with key allies, including the United States, and I can reassure the member and this House that we will never, ever, compromise on national security.

Hon. Thomas Mulcair (Outremont, NDP): Mr. Speaker, what the Prime Minister just said is demonstrably false. There has not been a national security review. That has to be ordered by the minister, who never ordered it, and we know that because the company put it out in an official statement to try to reassure investors. That is why the Americans are concerned now, because there has never been a national security review.

[*Translation*]

Does the Prime Minister understand that this is why the Americans are starting to look into this situation? There was no national security review in accordance with the law.

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, we followed the recommendations of our national security agencies.

The member opposite knows full well that we followed the process, that we exercised due diligence, and that we did our homework.

I would like to remind the member that all transactions are subject to a national security review. In this particular case, I can assure the member that our security agencies consulted with key allies, including the United States. We will never compromise our national security.

* * *

● (1425)

[*English*]

GOVERNMENT APPOINTMENTS

Hon. Thomas Mulcair (Outremont, NDP): Mr. Speaker, I imagine the Prime Minister will have no trouble making public what the Americans did say in this case.

The Prime Minister attempted a partisan appointment that led to scandal. The nomination was removed, and now we are proposing a way forward, not to benefit our own party but to increase accountability for all Canadians. We have even offered to amend our proposal in order to address the Liberals' stated concern.

Will the Prime Minister take this opportunity to improve the nomination process, because it is important for this House and for all Canadians?

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, when we came to office, we did improve the nomination process, which is why we now have 60% of our nominees who are women, over 12% are visible minorities, and over 10—

Some hon. members: Oh, oh!

The Speaker: Order, please. the Right Hon. Prime Minister.

Right Hon. Justin Trudeau: Mr. Speaker, the appointments we make are based on merit and reflect the full diversity of this country. We continue to follow processes, which include opportunities for committees to weigh in, which include votes in the House for officers of Parliament and demonstrate the kind of openness and transparency Canadians voted for when they elected this government.

[*Translation*]

Hon. Thomas Mulcair (Outremont, NDP): Mr. Speaker, the Prime Minister is responsible for the fiasco surrounding Madeleine Meilleur's appointment. If he calls that a success, then I would hate to see what he considers a failure. He has an opportunity to ensure that future nominations are not stained by his attempt to make a partisan appointment.

The NDP has made a proposal to ensure that partisanship is taken out of the equation.

Will the Prime Minister accept our proposal for future appointments or not?

Right Hon. Justin Trudeau (Prime Minister, Lib.): Mr. Speaker, we have a merit-based appointment process in place for choosing the best qualified individuals who reflect the full diversity of our country within this government. We consulted the opposition parties. We held a vote in the House of Commons on officers of Parliament. At each stage we demonstrate how important it is to us to respect the merit-based process for choosing the best people to serve this country.

I thank the members across the way for their interest in this strong and independent process.

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FOREIGN INVESTMENT

Mr. Gérard Deltell (Louis-Saint-Laurent, CPC): Mr. Speaker, the scandal surrounding the sale of a high-tech company to Chinese interests has now taken on international proportions because of this government's negligence.

This morning, *The Globe and Mail* reported that a commission is looking into the matter. Commissioner Michael Wessel said that Canada is "jeopardizing its own security interests to gain favour with China", and that "the U.S. military...should immediately review their purchases...to determine what security risks might arise."

Now the Americans are the ones lecturing us. This is ridiculous.

Will the Prime Minister stand up and own up to yet another mistake?

Hon. Navdeep Bains (Minister of Innovation, Science and Economic Development, Lib.): Mr. Speaker, I disagree with my colleague. National security is an absolute priority for our government. All transactions reviewed under the Investment Canada Act are subject to a multi-stage security review process. We have never compromised on national security.

Mr. Gérard Deltell (Louis-Saint-Laurent, CPC): Mr. Speaker, as we heard earlier, that makes absolutely no sense at all.

The national security review process was not followed. The government keeps playing word games. Playing word games with parliamentarians is one thing, but now the U.S. military is finding the government's negligence distinctly unfunny.

When will the government realize it made a mistake and is jeopardizing our national security?

[*English*]

Hon. Navdeep Bains (Minister of Innovation, Science and Economic Development, Lib.): Mr. Speaker, unlike the member opposite, we actually value the advice given by the national security experts. The feedback they gave us was based on the fact that they did their due diligence. They did their homework, they followed the process, and based on that feedback and advice, we took the course of action to proceed under the Investment Canada Act. We never have and we never will compromise on national security.

● (1430)

Hon. Peter Kent (Thornhill, CPC): Mr. Speaker, the Liberals brushed off the concerns of two former CSIS directors and a former ambassador to China regarding the slapdash sunny-ways sale of Canadian defence technology to a communist dictatorship. While the Liberals may be willing to jeopardize our security interests selling Norsat for a trade deal with China, they have clumsily put at risk relations with our best friend, trade partner, and protector.

Now that a congressional committee is urging the Pentagon to review this risky deal, will the Liberals order a formal national security review?

Hon. Navdeep Bains (Minister of Innovation, Science and Economic Development, Lib.): Mr. Speaker, we have done our homework. We have followed the process. National experts have consulted our allies as well. All transactions under the Investment Canada Act are subject to a national security review. We never have and we never will compromise on national security.

With respect to the overall objective of the Investment Canada Act, we are looking forward to seeing more investments in Canada to grow the economy, to create jobs and opportunities, and to strengthen the middle class, because that is our number one priority.

Hon. Tony Clement (Parry Sound—Muskoka, CPC): Mr. Speaker, the Americans are the latest to sound the alarm bells over this takeover, and just yesterday, before the national security committee of this Parliament, when I asked the question directly to the acting director of CSIS, he made it clear that the decision around security due diligence was not made by CSIS, was not made by the security agency. It was made by the Liberal cabinet. It made the decision. That was the testimony before committee.

When will the government make it clear to everyone that it put Canadian security interests ahead of Chinese security interests?

Hon. Navdeep Bains (Minister of Innovation, Science and Economic Development, Lib.): Mr. Speaker, let me be absolutely clear. We never have and we will never will compromise on national security. We will always advance our national interests.

More importantly, unlike the members opposite, we actually value the feedback and advice we get from our national security experts. Based on their advice, based on their feedback, we have proceeded. We have been very clear about this process. This is a multi-step review process. We have done our homework, we have done our due diligence, and we will always make sure we follow the advice given to us by our national security experts.

Hon. Lisa Raitt (Milton, CPC): Mr. Speaker, the government gets a fail on doing its homework.

The act is very clear. When the government takes a look at an investment, it determines whether or not it takes that second step, which is to do a national security review. It determined it did not need to take that second step. Eminent people have been coming forward to say that the government should have slowed its role and should have actually taken that step to look further into the details.

I am going to ask the minister a very clear question. Why did he not order a national security review? Is this not in contravention of our defence policy interests?

Hon. Navdeep Bains (Minister of Innovation, Science and Economic Development, Lib.): Mr. Speaker, did Canada's national security agencies examine this deal? Yes, they did. Did they consult our allies? Yes, they did. Do they have all the facts? Yes, they do. Did the government follow the security agencies' recommendations? Yes, we did.

Let me be absolutely clear: we never have compromised and we never will compromise on national security.

Hon. Lisa Raitt (Milton, CPC): Mr. Speaker, then why did the minister not take the very simple step of requesting a full national security review? What is the anxiety on the other side in dealing with the Chinese? Is it trade matters? Does it have to do with something else that the Canadian Parliament has not been informed of?

The reason the Investment Canada Act was amended to include this part was to deal with these situations. The Liberals may be blind to it; we are certainly not blind to it. Are the Liberals going to do the right and proper thing, protect Canadian interests, and order the national security review?

Hon. Navdeep Bains (Minister of Innovation, Science and Economic Development, Lib.): Mr. Speaker, the member can speculate, make innuendo, and come up with all these theories, but the bottom line is we followed the process.

We have been very clear. We have been very transparent with Canadians. We never will compromise on national security. More importantly, we will listen to the advice and feedback given to us by our national security experts. We followed that advice.

Let me be very clear: when it comes to our economic interests, our number one priority is to the grow the economy and create jobs. That is why, over the last six months, close to a quarter of a million good-quality, full-time, resilient jobs have been created in the Canadian economy.

* * *

● (1435)

[*Translation*]

CANADA REVENUE AGENCY

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, the Liberals are going to sign a tax information exchange agreement with Cook Islands, a well-known tax haven. The Minister of Finance is justifying this by saying that it will make it harder for the wealthy to hide their money, but that is false. The only thing the agreement will achieve is allow the wealthy to avoid paying taxes.

By signing such agreements, Canada is standing in the way of the international community in the fight against tax havens, which have even been condemned by the U.K. finance minister.

When will the Minister of Finance stop helping her rich Bay Street friends hide their money in tax havens?

Hon. Diane Lebouthillier (Minister of National Revenue, Lib.): Mr. Speaker, the government is strongly committed to protecting the fairness of the Canadian tax system. That is why we have invested nearly $1 billion over the past two years to tackle tax evasion and tax avoidance.

Our unprecedented investments are showing real results. We recovered $13 billion last year, 122 Canadian taxpayers named in the Panama Papers are being audited, and criminal investigations of certain taxpayers are already underway.

We will have other announcements to make later today. We are working very hard, and the net is tightening.

* * *

[*English*]

INTERNATIONAL TRADE

Ms. Tracey Ramsey (Essex, NDP): Mr. Speaker, the only thing the Liberals are protecting are wealthy interests.

Under NAFTA, Canada is the most sued country in the world under ISDS provisions in chapter 11. We have a progressive court system, yet we are continually forced to defend ourselves under an unfair and unaccountable process. The Liberals cannot continue to leave Canadians in the dark when it comes to their priorities.

When will the government come clean with Canadians about their trade priorities and move to eliminate chapter 11 from NAFTA?

Hon. Andrew Leslie (Parliamentary Secretary to the Minister of Foreign Affairs (Canada-U.S. Relations), Lib.): Mr. Speaker, as has been said on numerous occasions, we are ready to come to the negotiation table, something the previous Conservative government failed to do when it was their turn to look to NAFTA and get it going.

As we have seen, NAFTA has been modified 11 times throughout its history. The Prime Minister, all the ministers of cabinet, and indeed the entirety of the House are dedicated to the Canada-U.S. relationship. We are going to stand up for Canadian values and our economic interests as we have always done.

* * *

[*Translation*]

CANADIAN HERITAGE

Mrs. Sylvie Boucher (Beauport—Côte-de-Beaupré—Île d'Orléans—Charlevoix, CPC): Mr. Speaker, controversy is swirling around the Liberals again; it is in their DNA. Conflicts of interest abound at the office of the Minister of Canadian Heritage. Apparently her chief of staff, Leslie Church, attended a number of meetings to discuss important plans between the department and Google, where she used to work.

We know that Google has special access to the minister's office and her team and that changes are set to be made to the Broadcasting Act.

Can the minister assure us that the process for making these changes will be independent, transparent, and free from political interference?

Mr. Sean Casey (Parliamentary Secretary to the Minister of Canadian Heritage, Lib.): Mr. Speaker, as we have said many times, creative industries are facing challenges in the digital era. The minister has met with all the major platforms about our reforms on Canadian content in the digital era.

Ms. Church's expertise and in-depth knowledge of the digital landscape make her an essential asset in evaluating how to better support the sector during this transition. Ms. Church has always been completely transparent about her former employer, including with the Conflict of Interest and Ethics Commissioner.

[*English*]

Mr. Kevin Waugh (Saskatoon—Grasswood, CPC): Mr. Speaker, another day and another conflict of interest in the heritage minister's office. We know now that Leslie Church, the chief of staff to the heritage minister, has met on at least six occasions with Google representatives. Leslie, of course, was the former head of communications, it just so happens, at Google before the minister hired her.

The law requires ministers and staff to avoid real and apparent conflicts of interest. It appears to me that the minister has failed yet again.

Why did the minister allow her chief of staff to engage in this clear conflict of interest?

Mr. Sean Casey (Parliamentary Secretary to the Minister of Canadian Heritage, Lib.): Mr. Speaker, we have said many times that creative industries are going through a period of disruption brought on by the digital shift. The minister has met with all major digital platforms as part of her review of Canadian content in the digital age.

Ms. Church's experience, expertise, and broad knowledge of the digital landscape are essential to our assessment of how to best support this sector during this transition. She has been fully transparent about her former employment, including with the Conflict of Interest and Ethics Commissioner.

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● (1440)

ACCESS TO INFORMATION

Mr. John Brassard (Barrie—Innisfil, CPC): Mr. Speaker, yesterday the parliamentary secretary for Shared Services Canada brushed off our call to have the deleted email scandal referred to the director of public prosecutions.

Members will recall that I asked why this matter has not been sent to the director, because the emails were deleted by a Liberal Party riding association president who is also an employee of Shared Services.

The Attorney General, a Liberal, and the parliamentary secretary, a former Liberal Party national director, should not be even close to this matter. Why will the minister not do the right thing and refer it to the director of public prosecutions?

Mr. Steven MacKinnon (Parliamentary Secretary to the Minister of Public Services and Procurement, Lib.): Mr. Speaker, I can assure the House that our government expects all of our employees to meet the highest level of ethical behaviour in decision-making, as set out by the values and ethics code for the public sector.

Shared Services, whose management dealt with this issue directly, took the situation very seriously, immediately launched an investigation, and notified the Information Commissioner, who in turn referred this matter to the Attorney General of Canada, as is customary.

Mr. John Brassard (Barrie—Innisfil, CPC): Mr. Speaker, when a Liberal insider deletes 398 pages of emails off a government server, the last people Canadians trust to investigate this are Liberal ministers and Liberal parliamentary secretaries.

This is a clear violation of the law. It must be referred to public prosecutions because Liberals investigating Liberals is anything but open, transparent, and accountable.

What are the Liberals hiding? What were in those emails that they do not want anyone to see?

Mr. Steven MacKinnon (Parliamentary Secretary to the Minister of Public Services and Procurement, Lib.): Mr. Speaker, I can assure the hon. member that all processes have been followed and that the Information Commissioner, who is an independent authority, referred this matter to the Attorney General of Canada. I can assure the hon. member this matter was dealt with expeditiously by the management of Shared Services Canada. I can assure the hon. member that his unwarranted attacks on the independent public servants who go about their business every day and do things by the book are also very well-noted.

This is more of what we have come to expect from these people on the other side of the House.

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FAMILIES, CHILDREN AND SOCIAL DEVELOPMENT

Ms. Sheila Malcolmson (Nanaimo—Ladysmith, NDP): Mr. Speaker, the Liberal child care announcement is a drop in the bucket, and those on the front lines are giving it a failing grade.

The Child Care Advocacy Association of Canada says the Liberals' approach "goes against all the evidence that quality child care is critical to the healthy development of all children".

Liberals attacked the NDP's plan for universal affordable child care, saying it was too little and too slow. However, even Paul Martin's child care plan offered more annual funding than this one.

Why are the Liberals checking a box rather than giving real support to Canadian families?

Hon. Jean-Yves Duclos (Minister of Families, Children and Social Development, Lib.): Mr. Speaker, I am delighted to be given the opportunity by our colleague to say how honoured and privileged I was yesterday to sign the first-ever national agreement on child care.

I think we should all be delighted in the House, especially as this is going to be about the opportunity to work over the long term to build a system that will bring support—

The Speaker: The hon. member for Vancouver East.

* * *

IMMIGRATION, REFUGEES AND CITIZENSHIP

Ms. Jenny Kwan (Vancouver East, NDP): Mr. Speaker, government officials told the Inland Refugee Society of BC that they "cannot be seen" to be supporting undocumented refugees. Really? So much for the Prime Minister's "#WelcomeToCanada".

Inland is the only NGO in B.C. that provides immediate support for inland asylum seekers, and does it with a budget of only $180,000. A little support from the government can prevent this organization from shutting its doors. Why is the government choosing to abandon these vulnerable refugees?

[*Translation*]

Hon. Ahmed Hussen (Minister of Immigration, Refugees and Citizenship, Lib.): Mr. Speaker, I am proud of our government's commitment to welcoming those who flee war, terror, and persecution.

[*English*]

I am proud of our government's plan to continue our robust asylum process. We have provided over $700 million this year in the settlement of refugees and the services that we need to integrate them into our country. I am proud of the fact that in budget 2017 we are providing $62.9 million for legal aid specific to refugees. We are continuing our leadership on the refugee file.

* * *

● (1445)

[*Translation*]

FAMILY, CHILDREN AND SOCIAL DEVELOPMENT

Ms. Mary Ng (Markham—Thornhill, Lib.): Mr. Speaker, yesterday was a wonderful day for Canadian families with major progress on the government's promise to recommit to child care and early childhood services.

[*English*]

Could the Minister of Families, Children and Social Development update the House on the advancement of this important initiative?

Hon. Jean-Yves Duclos (Minister of Families, Children and Social Development, Lib.): Mr. Speaker, congratulations to our new colleague from Markham—Thornhill for her outstanding support to families. Investing in early learning and child care helps strengthen Canada's middle class and supports those working hard to join it.

Yesterday, for the first time ever, the federal government, provinces, and territories signed a national agreement on child care to better support Canadian families, to give Canadian children the best possible start in life, to increase gender equity, and to build a more inclusive society.

* * *

PUBLIC SAFETY

Hon. Rob Nicholson (Niagara Falls, CPC): Mr. Speaker, in June of 2015 our Conservative government passed the high-risk child sex offender registry, and since then, the RCMP have been working to implement this publicly accessible database. However, now the Liberals are telling us that they have no money to fund it. That is ridiculous. The Liberals have been telling us they have billions of dollars for anything, so no one is buying this argument.

This database would help protect the safety and well-being of children against dangerous high-risk child sex offenders living in their neighbourhood. I say to the Liberals, do the right thing. It is not that hard.

Hon. Ralph Goodale (Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, the critical tool in terms of public protection is the national sex offender registry, which was created and funded in 2004 by the former public safety minister, the Hon. Anne McLellan. That is a very useful instrument. When an offender is about to be released, if there is a danger, then the correctional system notifies the police and if there is any danger in the situation, the police make sure that they work with the local community to keep Canadians safe.

The Speaker: I ask the hon. member for Huron—Bruce to apologize for using unparliamentary language.

The hon. member for Huron—Bruce.

Mr. Ben Lobb: Mr. Speaker, I apologize if the minister was offended by my comment. I apologize for that.

[*Translation*]

Mr. Luc Berthold (Mégantic—L'Érable, CPC): Mr. Speaker, let us talk about a specific situation that happened in Quebec recently. I am talking about a man who was found guilty of abusing children under his care and who is listed on the much-talked-about sex offender registry and will be until 2021. According to the minister, children living in the area are safe, but that man managed to become a foster parent despite the fact that he was on the registry. No one in the area knew that he was a sex offender.

The safety of our children is the Prime Minister's responsibility. When will he understand that this kind of thing must never happen again?

[*English*]

Hon. Ralph Goodale (Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, the way to ensure that families and children and communities are safe is to make certain that national institutions like Correctional Service Canada work closely with the police forces of Canada and the local communities to ensure that people have the information they need. In those circumstances, that kind of partnership and teamwork is the best way to ensure that our communities are safe.

Mr. Bob Zimmer (Prince George—Peace River—Northern Rockies, CPC): Mr. Speaker, according to RCMP deputy commissioner Peter Henschel's own testimony, June 4, 2015:

> ...the RCMP destroyed the records between October 26, 2012, and October 31, 2012, with the exception of the Quebec records, which were maintained pending the outcome of a Supreme Court decision.
>
> When that decision was rendered on March 27, 2015, the RCMP deleted the remaining Quebec records from the Canadian firearms information system between April 10 to April 12, 2015....

Someone is not telling the truth. Can the minister explain why he is saying something different from the RCMP?

Hon. Ralph Goodale (Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, the previous government was deeply embroiled in an argument with the Information Commissioner because it was alleged by the Information Commissioner that, while an outstanding access to information complaint was being made, the previous government had taken steps to improperly remove and destroy that information. That was the position taken by the Information Commissioner. She took the government to court. She launched a constitutional challenge. It is that unseemly mess that we are trying now to unwind with legislation before this House.

● (1450)

Mr. Bob Zimmer (Prince George—Peace River—Northern Rockies, CPC): There is a problem with what the minister just said, Mr. Speaker.

The Quebec data was ordered destroyed after a failed appeal at the Supreme Court, and further confirmed destroyed April 2015 by the RCMP deputy commissioner, Peter Henschel. The Information Commissioner did not ask for the data until June 2015, two months after it was allegedly destroyed by the RCMP.

Someone is not being honest here, and Canadian law-abiding firearms owners deserve to know the truth. If the long gun registry data is not destroyed, the minister is saying the RCMP did not tell the truth at committee, a serious accusation. An equally serious accusation is that someone illegally preserved the data. Which is it?

Hon. Ralph Goodale (Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, all of those events about which the hon. gentleman complains in fact took place under the previous administration. If the member has a problem with that process, he should ask his colleagues who formerly occupied those cabinet positions.

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[*Translation*]

GOVERNMENT APPOINTMENTS

Mr. Robert Aubin (Trois-Rivières, NDP): Mr. Speaker, after attempting to appoint Madeleine Meilleur as the Commissioner of Official Languages, the government continues to give its friends federal appointments. The Minister of Transport appointed three new directors at the Port of Halifax. These directors do not actually seem to have the skills required for the job, but they all donated thousands of dollars to the Liberal Party.

Canadians are fed up with patronage and the Liberals doing favours for their friends, so my question is this: when will the Liberals put an end to partisan appointments?

Hon. Bardish Chagger (Leader of the Government in the House of Commons and Minister of Small Business and Tourism, Lib.): Mr. Speaker, we have implemented a new, open, transparent, and merit-based appointment process. Our aim is to identify high-quality candidates who will help to achieve gender parity and truly reflect Canada's diversity. Canadians can continue to apply for positions, which are advertised online.

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CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION

Mr. Pierre Nantel (Longueuil—Saint-Hubert, NDP): Mr. Speaker, while the Minister of Canadian Heritage has her attention on an export strategy that now will not be unveiled until September, there is an urgent need to send back the CRTC's wrong-headed decision to reduce the visibility of our content on our screens.

The minister knows perfectly well that the entire cultural industry is calling on the CRTC to go back to the drawing board. As for artists, they still do not know whether they can count on their minister to send the matter back to the CRTC.

Can the minister tell the cultural industry that she will stand shoulder to shoulder with them to overturn the CRTC decision? Will she send the decisions back to the CRTC, yes or no?

She needs to put culture first.

Mr. Sean Casey (Parliamentary Secretary to the Minister of Canadian Heritage, Lib.): Mr. Speaker, our government firmly believes in the importance of arts and culture. That is why we invested more than $1.9 billion in this area, the largest investment in the past 30 years. We did so because we know that arts and culture are key drivers in our economy. We are currently studying the repercussions of the CRTC's decision.

* * *

[*English*]

NATIONAL DEFENCE

Mr. James Bezan (Selkirk—Interlake—Eastman, CPC): Mr. Speaker, since a trade war between Boeing and Bombardier started, it has become abundantly clear that the Liberals will not be sole-sourcing Super Hornets. This point was reaffirmed over the weekend as the Minister of National Defence stated that the government was looking at all the options to replace our CF-18s.

What options is the minister actually talking about?

Will the Liberal government walk away from the wrong-headed policy of an interim purchase and instead immediately launch an open competition to replace all of our fighter jets?

[*Translation*]

Mr. Jean Rioux (Parliamentary Secretary to the Minister of National Defence, Lib.): Mr. Speaker, Conservative mismanagement in renewing the over-30-year-old fighter jet fleet has forced us to continue exploring the procurement of 18 new aircraft to supplement the current CF-18s until the new permanent fleet is fully operational, in order to protect Canadian sovereignty and meet our NORAD and NATO commitments.

We have not yet made a decision. Our discussions must demonstrate that the interim fleet has the appropriate capability and can be obtained at a cost, timeframe and value—

● (1455)

The Speaker: The hon. member for Charlesbourg—Haute-Saint-Charles.

Mr. Pierre Paul-Hus (Charlesbourg—Haute-Saint-Charles, CPC): Mr. Speaker, I would like to tell my colleague across the aisle that 88% of Canada's experts released a report today in which they say that Canada does not have a capability gap and does not need an interim fleet. I would suggest that my colleague do his homework.

For the past year, all they have been talking about is how buying 18 Boeing Super Hornets will miraculously save the the air force. Now that Boeing is no longer in the Liberals' good graces, they are just making things up as they go along.

Can the minister tell us which aircraft he is leaning toward now? Will he finally show some transparency on this issue?

Mr. Jean Rioux (Parliamentary Secretary to the Minister of National Defence, Lib.): Mr. Speaker, in its new defence policy, the government made it clear that a modern fighter fleet is vital to defending Canada's airspace and sovereignty, particularly in our northern airspace, to ensuring continental security, and to supporting international peace and stability.

This acquisition will give the Royal Canadian Air Force enough aircraft to secure our vast airspace and maintain our ability to contribute to international operations.

* * *

[*English*]

CANADIAN COAST GUARD

Mr. James Bezan (Selkirk—Interlake—Eastman, CPC): Mr. Speaker, the Liberals are planning on closing Canadian Coast Guard stations in Gimli, Selkirk, and Kenora.

This weekend, the Coast Guard in Gimli saved a 10-year-old girl and a seven-year-old boy who had drifted off the shores of Lake Winnipeg. Thousands of Canadians, including commercial fishers, recreational boaters, and children, rely on the Coast Guard on our inland waters. Their safety depends on it.

Will the Prime Minister put politics aside and commit to keeping the Coast Guard stations in Gimli, Selkirk, and Kenora open and protect our families?

Hon. Dominic LeBlanc (Minister of Fisheries, Oceans and the Canadian Coast Guard, Lib.): Mr. Speaker, our government is committed to increasing the capacity of the Canadian Coast Guard in all parts of the country to conduct the search and rescue missions they do so effectively. I share the member's view that this was an important and significant effort. We congratulate the Canadian Coast Guard and are glad that it was able to provide that service.

I can tell the House that, on inland waterways, where we are currently providing a search and rescue service, there will be no cuts. In fact, there will be increases in the capacity of the Canadian Coast Guard to provide these search and rescue services.

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PARKS CANADA

Mr. John Aldag (Cloverdale—Langley City, Lib.): Mr. Speaker, since the Government of Canada announced that admission to all Parks Canada national parks and national historic sites would be free during Canada's 150th year, we have seen a public outpouring of interest from Canadians across the country. This is a phenomenal way for Canadians to experience the natural beauty and extraordinary history of the country we call home.

Can the parliamentary secretary to the Minister Environment and Climate Change please tell this House how Canadians have responded to this offer and what they can expect at national parks and national historic sites throughout this very special year?

Mr. Jonathan Wilkinson (Parliamentary Secretary to the Minister of Environment and Climate Change, Lib.): Mr. Speaker, I thank the member for Cloverdale—Langley City for his advocacy on behalf of his constituents and for parks.

Parks Canada places belong to all Canadians, and as part of Canada's 150th celebration, admission to all of Canada's national parks, historic sites, and marine conservation areas is free in 2017.

So far, over six million free Parks Canada discovery passes have been sent to Canadians and to people in 194 countries around the world. This year, millions of people will visit these remarkable places and experience first-hand Canada's natural beauty and its leadership in conservation and science.

* * *

TAXATION

Mr. John Barlow (Foothills, CPC): Mr. Speaker, the definition of out of touch is when an über-wealthy finance minister tells Canadians they are not paying enough taxes. Yesterday, in defence of his new tax on beer, wine, and spirits, the minister said Canadians need to pay their fair share.

Here is the sober reality. Under the Liberals and their tax hikes, many Canadians are already finding it difficult to make ends meet. When will the minister put an end to what is nothing more than an escalating cash grab?

Hon. Bill Morneau (Minister of Finance, Lib.): Mr. Speaker, let us review the facts. We reduced taxes on middle-class Canadians. The average for a family is $540 less per year. The average for an individual is $330 less per year. We did that by raising the taxes on the wealthiest 1%.

What we are doing here is making sure our system is less complex, more efficient, and fair. What we are doing is creating stability for businesses to invest and create jobs over time. That is what we are aiming for.

* * *

● (1500)

THE ENVIRONMENT

Mr. Richard Cannings (South Okanagan—West Kootenay, NDP): Mr. Speaker, last month, the Kingston airport sealed up a hangar, which starved and eventually killed a decades-old colony of barn swallows. Some 80 nests of these threatened birds were lost needlessly. This was done apparently to adhere to Transport Canada policy.

Such action during the breeding season would be an offence under the Species at Risk Act and the Migratory Birds Convention Act. Did the Minister of Transport, or any of his officials have any knowledge of this action?

Mrs. Karen McCrimmon (Parliamentary Secretary to the Minister of Transport, Lib.): Mr. Speaker, I have an easy answer: no. I do not know of this particular situation, but I would be happy to sit down and discuss this after the session.

ROYAL CANADIAN MOUNTED POLICE

Mr. Bill Casey (Cumberland—Colchester, Lib.): Mr. Speaker, the RCMP are considering a proposal to consolidate Nova Scotia emergency communication centres into one area. However, its own RCMP report says, on page 36, "It is not recommended that the two largest police communications operations in Nova Scotia be placed within the same metropolitan area." Then on page 37, the RCMP report says that primary communications sites should "be outside of HRM due to risks of placing two largest police communications centres in close proximity to each other".

How can the RCMP even consider a proposal that their own report says would put Nova Scotians at risk?

Hon. Ralph Goodale (Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, communications support is obviously crucial to front-line RCMP officers. I am aware that the force is conducting an internal review to examine service delivery, as well as current facilities and human resource requirements in Nova Scotia.

The hon. member has obviously also been vigorous and meticulous in advancing his point of view and promoting the interests of his constituents, for which I commend him. When the review is completed, recommendations will be presented to the divisional executive for a decision.

* * *

HEALTH

Mr. Gordon Brown (Leeds—Grenville—Thousand Islands and Rideau Lakes, CPC): Mr. Speaker, last week, the health committee sent a letter to the minister stating that the criteria for the 2015 thalidomide compensation package needs to be changed to be more inclusive of survivors and to err on the side of compassion. These thalidomide survivors have endured a lifetime of grief, agony, pain, suffering, and discrimination.

When will the minister do the right thing, change the criteria, and help these Canadians?

Hon. Jane Philpott (Minister of Health, Lib.): Mr. Speaker, as I have said in the House before, obviously we are all concerned with the tragedies that took place with the result of thalidomide. It is important that people are compensated accordingly. It is important that people are treated fairly.

I thank the health committee for its work on this matter. We are reviewing its report, and I look forward to responding to it in due time.

* * *

[*Translation*]

CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION

Ms. Monique Pauzé (Repentigny, BQ): Mr. Speaker, Jean-Pierre Blais' term as chair of the CRTC ends on Saturday. It would be truly unfortunate if it were to end on a sour note. Renewing the licences for Séries+ and Historia could set a dangerous precedent for Quebec television. The parliamentary secretary told us earlier that he was studying the decision.

Will the Minister of Canadian Heritage act on her own initiative and exercise her authority under the act to actually cancel, and not merely study, the CRTC decision?

Mr. Sean Casey (Parliamentary Secretary to the Minister of Canadian Heritage, Lib.): Mr. Speaker, as I said, our government firmly believes in the importance of arts and culture. That is why we invested more than $1.9 billion in this area, the largest investment in the past 30 years.

We did so because we know that arts and culture are key drivers in our economy. We are currently studying the repercussions of the CRTC's decision.

* * *

[*English*]

INDIGENOUS AFFAIRS

Hon. Hunter Tootoo (Nunavut, Ind.): Mr. Speaker, my question is for the Minister of Public Services and Procurement.

In February, I and other indigenous members of Parliament, in the spirit of reconciliation and goodwill, sent a letter to the minister asking that the Langevin block be renamed. There is a compelling social justice reason for this name change. Hector Langevin was the key architect of the disastrous residential school system, which is a system that has had a devastating and lasting impact on indigenous culture and heritage.

Given the government's commitment to truth and reconciliation, when can we expect a response to our letter?

Mr. Steven MacKinnon (Parliamentary Secretary to the Minister of Public Services and Procurement, Lib.): Mr. Speaker, there is obviously no relationship more important to our government than the one with indigenous peoples. I thank the member, indeed, all indigenous members of the House for their very thoughtful intervention in this matter.

Our government is fully committed to implementing the Truth and Reconciliation Commission's calls to action. This includes developing a reconciliation framework for Canadian heritage and commemoration, and any decision will be made in full partnership with our indigenous peoples.

GOVERNMENT ORDERS

● (1505)

[*English*]

BUSINESS OF SUPPLY

OPPOSITION MOTION—CANADIAN ECONOMY

The House resumed from June 12 consideration of the motion.

The Speaker: The House will now proceed to the taking of the deferred recorded division on the motion.

Call in the members.

● (1510)

(The House divided on the motion, which was negatived on the following division:)

(Division No. 317)

YEAS

Members

Aboultaif
Albrecht
Ambrose
Arnold
Benzen
Berthold
Block
Brassard
Calkins
Chong
Clement
Deltell
Doherty
Falk
Gallant
Genuis
Godin
Harder
Jeneroux
Kent
Kmiec
Lake
Lebel
Lobb
MacKenzie
McCauley (Edmonton West)
McLeod (Kamloops—Thompson—Cariboo)
Motz
Nicholson
Paul-Hus
Raitt
Reid
Richards
Saroya
Schmale
Shipley
Sorenson
Strahl
Sweet
Trost
Van Loan
Viersen
Warawa
Watts
Webber
Yurdiga

Albas
Allison
Anderson
Barlow
Bergen
Bezan
Boucher
Brown
Carrie
Clarke
Cooper
Diotte
Dreeshen
Finley
Généreux
Gladu
Gourde
Hoback
Kelly
Kitchen
Kusie
Lauzon (Stormont—Dundas—South Glengarry)
Liepert
Lukiwski
Maguire
McColeman
Miller (Bruce—Grey—Owen Sound)
Nater
Nuttall
Poilievre
Rayes
Rempel
Ritz
Scheer
Shields
Sopuck
Stanton
Stubbs
Tilson
Van Kesteren
Vecchio
Wagantall
Warkentin
Waugh
Wong
Zimmer– — 92

NAYS

Members

Aldag
Alleslev
Anandasangaree
Arya
Ayoub
Bagnell
Barsalou-Duval
Beaulieu
Bennett
Bibeau
Blaikie
Blaney (North Island—Powell River)
Bossio
Boulerice
Bratina
Brison
Caesar-Chavannes
Carr
Casey (Charlottetown)
Champagne
Choquette
Cormier
Cuzner
Damoff
DeCourcey
Dhillon
Donnelly

Alghabra
Amos
Arseneault
Aubin
Badawey
Bains
Baylis
Beech
Benson
Bittle
Blair
Boissonnault
Boudrias
Boutin-Sweet
Breton
Brosseau
Cannings
Casey (Cumberland—Colchester)
Chagger
Chan
Christopherson
Cullen
Dabrusin
Davies
Dhaliwal
Di Iorio
Drouin

Dubé
Duclos
Duncan (Etobicoke North)
Dusseault
Dzerowicz
Ehsassi
Ellis
Eyking
Fergus
Finnigan
Fonseca
Fortin
Fraser (West Nova)
Fry
Garrison
Gill
Goodale
Graham
Hardie
Hehr
Housefather
Hussen
Iacono
Jordan
Kang
Khera
Lambropoulos
Lapointe
Laverdière
Lebouthillier
Lemieux
Levitt
Lockhart
Longfield
MacGregor
Malcolmson
Marcil
Massé (Avignon—La Mitis—Matane—Matapédia)
Mathyssen
May (Cambridge)
McCrimmon
McGuinty
McKinnon (Coquitlam—Port Coquitlam)
Mendès
Mihychuk
Monsef
Morneau
Mulcair
Nantel
Nault
O'Connell
Oliver
Ouellette
Pauzé
Peterson
Philpott
Plamondon
Quach
Rankin
Rioux
Rodriguez
Ruimy
Sahota
Samson
Sarai
Schulte
Sgro
Sheehan
Sidhu (Brampton South)
Sohi
Spengemann
Stetski
Tabbara
Tassi
Tootoo
Vandal
Vaughan
Weir
Wilkinson
Wrzesnewskyj
Zahid– — 213

Dubourg
Duguid
Duncan (Edmonton Strathcona)
Duvall
Easter
El-Khoury
Erskine-Smith
Eyolfson
Fillmore
Fisher
Fortier
Fragiskatos
Fraser (Central Nova)
Fuhr
Gerretsen
Goldsmith-Jones
Gould
Grewal
Harvey
Holland
Hughes
Hutchings
Johns
Jowhari
Khalid
Kwan
Lametti
Lauzon (Argenteuil—La Petite-Nation)
LeBlanc
Lefebvre
Leslie
Lightbound
Long
Ludwig
MacKinnon (Gatineau)
Maloney
Masse (Windsor West)

May (Saanich—Gulf Islands)
McDonald
McKay
McLeod (Northwest Territories)
Mendicino
Miller (Ville-Marie—Le Sud-Ouest—Île-des-Soeurs)
Moore
Morrissey
Murray
Nassif
Ng
Oliphant
O'Regan
Paradis
Peschisolido
Petitpas Taylor
Picard
Poissant
Ramsey
Ratansi
Robillard
Rudd
Saganash
Saini
Sangha
Schiefke
Serré
Shanahan
Sidhu (Mission—Matsqui—Fraser Canyon)
Simms
Sorbara
Ste-Marie
Stewart
Tan
Thériault
Trudeau
Vandenbeld
Virani
Whalen
Wilson-Raybould
Young

PAIRED

Nil

The Speaker: I declare the motion defeated.

* * *

● (1515)

CITIZENSHIP ACT

The House resumed from June 12 consideration of the motion in relation to the amendments made by the Senate to Bill C-6, An Act to amend the Citizenship Act and to make consequential amendments to another Act.

The Speaker: The House will now proceed to the taking of the deferred recorded division on the motion in relation to the Senate amendments to Bill C-6..

● (1520)

(The House divided on motion, which was agreed to on the following division:)

(Division No. 318)

YEAS

Members

Aldag
Alleslev
Anandasangaree
Arya
Ayoub
Bagnell
Barsalou-Duval
Beaulieu
Bennett
Bibeau
Blaikie
Blaney (North Island—Powell River)
Bossio
Boulerice
Bratina
Brison
Caesar-Chavannes
Carr
Casey (Charlottetown)
Champagne
Choquette
Cormier
Cuzner
Damoff
DeCourcey
Dhillon
Donnelly
Dubé
Duclos
Duncan (Etobicoke North)
Dusseault
Dzerowicz
Ehsassi
Ellis
Eyking
Fergus
Finnigan
Fonseca
Fortin
Fraser (West Nova)
Fry
Garrison
Gill
Goodale
Graham
Hardie
Hehr
Housefather
Hussen
Iacono
Alghabra
Amos
Arseneault
Aubin
Badawey
Bains
Baylis
Beech
Benson
Bittle
Blair
Boissonnault
Boudrias
Boutin-Sweet
Breton
Brosseau
Cannings
Casey (Cumberland—Colchester)
Chagger
Chan
Christopherson
Cullen
Dabrusin
Davies
Dhaliwal
Di Iorio
Drouin
Dubourg
Duguid
Duncan (Edmonton Strathcona)
Duvall
Easter
El-Khoury
Erskine-Smith
Eyolfson
Fillmore
Fisher
Fortier
Fragiskatos
Fraser (Central Nova)
Fuhr
Gerretsen
Goldsmith-Jones
Gould
Grewal
Harvey
Holland
Hughes
Hutchings
Johns
Jordan
Kang
Khera
Lambropoulos
Lapointe
Laverdière
Lebouthillier
Lemieux
Levitt
Lockhart
Longfield
MacGregor
Malcolmson
Marcil
Massé (Avignon—La Mitis—Matane—Matapédia)
Mathyssen
May (Cambridge)
McCrimmon
McGuinty
McKinnon (Coquitlam—Port Coquitlam)
Mendès
Mihychuk
Monsef
Morneau
Mulcair
Nantel
Nault
O'Connell
Oliver
Ouellette
Pauzé
Peterson
Philpott
Plamondon
Quach
Rankin
Rioux
Rodriguez
Rudd
Saganash
Saini
Sangha
Schiefke
Serré
Shanahan
Sidhu (Mission—Matsqui—Fraser Canyon)
Simms
Sorbara
Ste-Marie
Stewart
Tan
Thériault
Trudeau
Vandenbeld
Virani
Whalen
Wilson-Raybould
Young
Jowhari
Khalid
Kwan
Lametti
Lauzon (Argenteuil—La Petite-Nation)
LeBlanc
Lefebvre
Leslie
Lightbound
Long
Ludwig
MacKinnon (Gatineau)
Maloney
Masse (Windsor West)
May (Saanich—Gulf Islands)
McDonald
McKay
McLeod (Northwest Territories)
Mendicino
Miller (Ville-Marie—Le Sud-Ouest—Île-des-Soeurs)
Moore
Morrissey
Murray
Nassif
Ng
Oliphant
O'Regan
Paradis
Peschisolido
Petitpas Taylor
Picard
Poissant
Ramsey
Ratansi
Robillard
Rota
Ruimy
Sahota
Samson
Sarai
Schulte
Sgro
Sheehan
Sidhu (Brampton South)
Sohi
Spengemann
Stetski
Tabbara
Tassi
Tootoo
Vandal
Vaughan
Weir
Wilkinson
Wrzesnewskyj
Zahid– — 214

NAYS

Members

Aboultaif
Albrecht
Ambrose
Arnold
Benzen
Berthold
Block
Brassard
Calkins
Chong
Clement
Deltell
Doherty
Falk
Gallant
Genuis
Godin
Harder
Jeneroux
Kent
Albas
Allison
Anderson
Barlow
Bergen
Bezan
Boucher
Brown
Carrie
Clarke
Cooper
Diotte
Dreeshen
Finley
Généreux
Gladu
Gourde
Hoback
Kelly
Kitchen

Kmiec	Kusie
Lake	Lauzon (Stormont—Dundas—South Glengarry)
Lebel	Liepert
Lobb	Lukiwski
MacKenzie	Maguire
McCauley (Edmonton West)	McColeman
McLeod (Kamloops—Thompson—Cariboo)	Miller (Bruce—Grey—Owen Sound)
Motz	Nater
Nicholson	Nuttall
Paul-Hus	Poilievre
Raitt	Rayes
Reid	Rempel
Richards	Ritz
Saroya	Scheer
Schmale	Shields
Shipley	Sopuck
Sorenson	Stanton
Strahl	Stubbs
Sweet	Tilson
Trost	Van Kesteren
Van Loan	Vecchio
Viersen	Wagantall
Warawa	Warkentin
Watts	Waugh
Webber	Wong
Yurdiga	Zimmer– — 92

PAIRED

Nil

The Speaker: I declare the motion carried.

* * *

● (1525)

[*Translation*]

BUSINESS OF SUPPLY

OPPOSITION MOTION—APPOINTMENTS COMMITTEE

The House resumed consideration of the motion.

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, when I had to interrupt my speech that I started before question period and the vote I was talking about the context in which we find ourselves regarding the appointment of officers of Parliament, specifically that of the Commissioner of Official Languages. In the end the nominee withdrew her candidacy, but it became clear that there are a number of things to consider when someone like Ms. Meilleur is nominated to become an officer of Parliament.

In this case, it seemed that her political affiliations may have played a role in her appointment. She tried to get around the process by going directly to PMO operatives. She spoke openly about her appointment and had even asked to be appointed to the Senate. Apparently she was told that to be a senator she had to be completely impartial, but she was told she could be offered the official languages commissioner position.

This proves that the government does not believe that impartiality is a criterion for becoming commissioner of official languages. We might have expected the opposite to be true, that the position of official languages commissioner requires complete impartiality.

Unfortunately, that is not what happened, and that is why, today, we are debating a motion that seeks to remedy the situation. In that regard, since the beginning of the day, the government has been telling us that everything is fine. As the song says, “Don't worry, be happy”. The government is saying that there is no problem here and that we should concern ourselves with other things. However, this is such a serious problem that we are worried that what happened with the appointment of the official languages commissioner will happen again when other commissioners and officers of Parliament are appointed, as they will be in the near future. There is a long list of appointments that need to be made.

We are not just an opposition party. We are also a party that proposes solutions. In this case, we are proposing a mechanism that will allow for real consultation. One of the biggest problems we had with Ms. Meilleur's appointment was that consultations were held only after the choice was already made. However, the law is clear. It requires the government to consult the leaders of the parties of the House of Commons before appointing an official languages commissioner. In this case, letters were sent to the leaders of the two recognized opposition parties of the House after the decision had already been made. It was not to consult them, but rather to inform them of the decision that had been made.

Obviously, the government did not comply with the law. That is why my colleague from Drummond and other Canadians, including Yvon Godin, former MP and official languages critic, have filed complaints. Obviously, Ms. Meilleur's appointment process did not comply with the Official Languages Act. The law is clear. The government must absolutely hold consultations before making an appointment. However, in this case, the parties were not consulted until afterwards, and they were not even really consulted. They were informed of the decision once it was already a done deal.

That is why we want to remedy the situation by creating a subcommittee of the Committee on Procedure and House Affairs that will meet on an ad hoc basis when an appointment is to be approved. I would also like to clarify something that seems to be confusing my colleagues on the other side of the House. Although the committee will hear the candidates and make a decision, ultimately, it is the two chambers that will make the final decision.

● (1530)

If the committee meets with candidates and agrees on the best one to fill an officer of Parliament position, that appointment will have to be approved by both chambers.

There has been much confusion in the House on this point. The members thought that Parliament as a whole would no longer have the prerogative of selecting and approving the appointments, and that only the small committee, made up of a few members of the Committee on Procedure and House Affairs, could do that. Nothing could be more wrong. The motion is clear, and we are prepared to clarify it further, to make sure that the Liberals are satisfied that the decision will lie with the House of Commons as a whole.

I think it is important to make a distinction. The government is fond of putting all Governor in Council appointments in the same basket. In my opinion, however, a sharp distinction must be made between Governor in Council appointments in general and appointments of officers of Parliament, who must absolutely demonstrate non-partisanship, independence, and impartiality. That goes without saying, since they work not for the government, but for Parliament, that is, for all parliamentarians in both chambers. It is therefore obvious that a different and more rigorous process should be put in place to ensure that the appointees have the confidence of everyone here and in the other place.

I will be happy to answer questions from my colleagues who are in need of clarification.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, I thank my colleague for his speech.

There is very clearly a problem with appointments in Canada. These individuals are very important to our elections, our finances, and our legislation. They are our watchdogs.

The only problem the Liberals see is that under our process, we will hold a vote only if a candidate has been approved by the committee. Perhaps we will prepare a motion to resolve that. If the government's intention is also to improve the process so there will be no more partisanship and those people work in the interests of Canadians, my colleague can envision the possibility of making the change in order to improve the situation. A number of appointments will be made over the next few weeks. If we amend our motion slightly, we will have an opportunity to improve the situation. I listened carefully this morning, and this is the only aspect of our motion that concerns the Liberals. There is also a recommendation from the Conservative party. This is where we stand, then.

The NDP is proposing a solution to a problem manufactured by the Liberals. Because this is not exactly perfect, the Conservative Party could help us by making a proposal. We will consider it with a view to accepting it. Imagine a Parliament that worked that way.

I would like to know what my colleagues think about this.

● (1535)

Mr. Pierre-Luc Dusseault: Mr. Speaker, it is important to recall what my colleague from Scarborough—Agincourt said yesterday. He spoke about the spirit that should guide Parliament when we are working, discussing and debating issues. This work should be constructive.

The best example of this, today, is certainly the work of my colleague from Skeena—Bulkley Valley. He put forward a clear and simple proposal, which included similar examples from elsewhere in the world. He is even willing to work with all the parties to ensure that, ultimately, when we vote, we will have as much support as possible in the House. It is very commendable of him to agree to work with all the parties. Indeed, finding a solution is of utmost importance.

In my opinion, all members of the House intend to avoid at all costs a situation like this from happening again when appointing other officers such as the Commissioner of Official Languages, Chief Electoral Officer, Conflict of Interest and Ethics Commissioner or Lobbying Commissioner. I think it is even more important now to clarify the consultation process, which the Liberals botched in the case of the official languages commissioner, to make sure that a situation like this does not happen again.

I applaud his work with all the parties to, as our colleague from Scarborough—Agincourt said, create a House in which the members work together and make compromises, because each person raises different aspects. I think we could all set partisan politics aside and agree on logical things.

[*English*]

Mr. Mark Warawa (Langley—Aldergrove, CPC): Mr. Speaker, why does the member think the Liberal government is resistant to listening, truly consulting, and amending the motion so that it works in the House? Why is the Liberal government so resistant to change?

[*Translation*]

Mr. Pierre-Luc Dusseault: Mr. Speaker, the main problem is that the government did not fully understand the real intent of this motion. The explanation that I have heard so far is that the Liberals think we want a veto over appointments, which is completely false.

That is not what the motion says. What the motion asks is that a subcommittee review the applications and propose one to the House. Ultimately it is the House that will always make the final decision.

I wish to clarify this for my Liberal colleagues, who seem to have forgotten or misunderstood it. It is a comprehension problem that can certainly be resolved with the debate today.

Mr. William Amos (Pontiac, Lib.): Mr. Speaker, last year our government introduced an improved appointment process. We were determined to put in place an appointment process that Canadians could trust.

The new appointment process is open, transparent, and merit-based to identify highly qualified candidates who will help achieve gender parity while reflecting Canadian diversity.

This process was developed to find candidates who comply with public service principles and adhere to its values. Candidates must carry out their duties with dignity, integrity, and respect for the highest ethical and professional standards.

Just like officer of Parliament appointments, all new appointments must be reviewed by the appropriate House of Commons committee, and the appointment must be approved by Parliament.

Under the current process, all officer of Parliament appointments must first be tabled in the House and then considered by the appropriate committee. The final decision is always subject to approval by Parliament.

We believe it is anti-democratic to give a veto to a subcommittee for the appointment of an officer of Parliament without holding a vote in the House, as proposed by the NDP motion.

It is essential that all members have the opportunity to take part in the review of appointments of officers of Parliament, and that each is able to vote on these appointments, regardless of the committee's recommendations.

Our government understands the importance of the work of officers of Parliament, and it will continue to support their full independence, as it has always done.

I would like to point out that a total of 122 people were appointed under the new process. Of these appointments, 70% are women, 12% are visible minorities, and 10% are indigenous.

In general, the selection process is based on the principles of openness, transparency, merit, and diversity.

With regard to openness, the selection process is open to all Canadians to provide them with the opportunity to make a contribution to Canada's democratic institutions by serving as cabinet appointees.

In respect to transparency, clear information about the requirements and steps involved in the selection process are readily available to the public, in order to reach as many Canadians as possible and attract a strong and diverse field of highly qualified candidates. Decisions on appointments are found in the Privy Council Office's orders-in-council database.

Regarding merit, the selection process is designed to identify highly qualified candidates who meet the needs of the organization and are able to perform the duties of the position to which they would be appointed. It seeks individuals who have the education, experience, knowledge, skills, abilities, and personal suitability to fill the position.

Regarding diversity, a recruitment strategy seeks to attract qualified candidates who will help to achieve gender parity and reflect Canada's diversity in terms of linguistic, regional, and employment equity groups. These include indigenous Canadians, members of visible minorities, persons with disabilities, and members of ethnic and cultural groups.

With few exceptions, the government seeks to appoint bilingual Canadians to the Privy Council.

Also, appointments are often subject to legal requirements other than statutory conditions. Thus, in the case of judicial appointments, these requirements must be respected.

I would like to focus a bit on the judicial appointments. In fall 2016, we introduced some important reforms to the judicial appointment process to ensure that appointments are merit-based and that the judiciary reflects the diversity of our country. Our government adopted important measures to ensure that the judicial appointment process is transparent and accountable to Canadians, in addition to promoting greater judicial diversity.

To date, the Minister of Justice has appointed a total of 72 judges, as well as 22 deputy judges across the country. We are very proud, as I am, that 60% of new appointments to the judiciary are women, which represents an increase of 35% compared to the situation under the previous government.

We are committed to continuing our efforts to strengthen our judicial system and that is why the 2017 budget proposes to create 28 new positions for judicial appointments in the federal judiciary.

● (1540)

[*English*]

The importance of ensuring an independent, merit-based appointment process, whether in the context of parliamentary or judicial nominations or appointments, is underscored by the scintillating public service contributions delivered by Supreme Court Chief Justice Beverley McLachlin.

I would like to take this opportunity to say a few words about our illustrious chief justice and conclude by returning to the broader subject of nomination procedures.

As we all know, Canada's longest-serving chief justice, appointed by Prime Minister Jean Chrétien in 2000 and to the court by Prime Minister Brian Mulroney in 1989, announced on Monday that she will be retiring effective December 15. What a tremendous nomination hers was. Chief Justice McLachlin was the first woman to hold this position and the third woman named to the Supreme Court after Bertha Wilson and Claire L'Heureux-Dubé. Justice McLachlin distinguished herself through an uncommon ability to understand issues from the perspective of those most vulnerable, and she delivered profound statements, notably in the area of indigenous law. I would like to point out some of those.

Her time at the court has been marked by a number of groundbreaking decisions, including a series of rulings that strengthened indigenous rights. Canada in 2017 is transforming before our very eyes as governments move, sometimes too slowly, to entrench the notion that governments have a duty to consult and accommodate aboriginal people before making decisions that could affect them. I know that my aboriginal constituents in Kitigan Zibi would appreciate my drawing attention to her reconciliatory leadership in concluding that aboriginal peoples were never conquered and that the doctrine of *terra nullius*, or empty land, never applied in Canada.

Beyond the courtroom, Justice McLachlin spoke out against the history of cultural genocide against the aboriginal people.

● (1545)

Mr. Nathan Cullen: Mr. Speaker, I rise on a point of order.

This has happened throughout the day. I have waited with patience for my friend, whom I quite like, to talk about the motion in front of us today, which is about the nomination process for officers of Parliament. Liberal members have often tried to stray, and to stray into other nomination processes that have nothing to do with the officers of Parliament. I have great respect for the chief justice, as I am sure we all do, and a speech on her incredible time in office is very important. We are talking about officers of Parliament. We have a very specific proposal in front of us. We have talked about potentially making amendments Liberals have raised. That is a fruitful area of conversation. Speeches on the chief justice, while merited, are not at all connected to the topic at hand.

I waited with some patience, because my friend said he would make a small reference and then return to the topic, but I have been waiting, and we are still talking about the chief justice. We only have limited time for this debate. If we could return to that topic, that would be very helpful, because we are talking about the officers of Parliament, which have nothing at all whatsoever to do with the Supreme Court or any other court in the land.

The Assistant Deputy Speaker (Mr. Anthony Rota): We are very close. The hon. member has 20 minutes. I have seen speeches go around and I wonder where they are going, but the hon. members often bring it back and make it all work well into a package. I will leave that up to the hon. member for Pontiac. I am sure he will bring it all together in his package. I will give him the benefit on that one. I will let him continue, and I am sure he will bring it all back.

The hon. member for Pontiac.

Mr. William Amos: Mr. Speaker, I appreciate the comments on making sure that we hold true to the point of discussion on the opposition motion today. However, I think this is relevant, because at the end of the day, what we are talking about is how we achieve good nominations and how we achieve great appointments in Canada. Whether it is a parliamentary appointment or a judicial appointment, how do we ensure that the processes get us to where we want to be in terms of good governance for all Canadians? I thank the Speaker for giving me leave to continue.

As we reflect critically and self-critically on Canada's 150th birthday, it is important to underscore the fact that Chief Justice McLachlin's voice epitomizes that of an engaged judicial leader whose views merit deep consideration by all Canadians. In recent years, the McLachlin court has ruled on the country's prostitution laws and the concept of physician assistance in dying.

Both within the four walls of the court and also outside, Chief Justice McLachlin has been a beacon on the issue of access to justice. Everyone in this House is well aware of the series of stinging rebukes the chief justice delivered to the government of former prime minister Stephen Harper in ruling that the Harper government could not use Parliament alone to impose Senate term limits, allow consultative elections for senatorial candidates, or abolish the upper chamber. Again, this theme goes right back to the issue of nominations. I hasten to point to that linkage.

The Supreme Court under Chief Justice McLachlin has also supported the safe injection facility in Vancouver and overturned a Conservative sentencing law that was part of the government's law and order regime. As someone who has pleaded before her, representing non-governmental interveners, and as it is now before the House of Commons, it is a privilege to point to her as a shining example of a good appointment, someone who was nominated and has served Canadians well.

As Sean Fine, the legal affairs columnist for *The Globe and Mail* stated so eloquently just yesterday:

> She pushed boundaries and took risks, and her vision of Canada became predominant on the court she led, and in the country. On or off the court, Chief Justice Beverley McLachlin was not afraid to take a stand—whether in accusing Canada of committing cultural genocide against Indigenous peoples in a speech (two years ago), or in defending herself publicly in an unprecedented dispute with a sitting prime minister (three years ago), or in declaring laws unconstitutional and striking them down (on a regular basis for 28 years). And whether those laws harmed the vulnerable or protected the vulnerable, she would take a constitutional hatchet to them if she felt they went beyond what the Charter of Rights and Freedoms allows.

I would like to take this opportunity to thank Chief Justice McLachlin for her outstanding service to the people of Canada. She has been an incredible leader of the Supreme Court itself, of the Canadian judiciary, and of the legal system as a whole. She has guided the development of law in the Constitution but never lost sight of the need for the law to remain relevant to the average Canadian and to the people it is intended to serve.

It is with the deepest gratitude that I congratulate Chief Justice McLachlin on her well-deserved retirement. I think it is fair to say that Canadians can only hope that future nominations will be as strong as hers.

With that, I will conclude my remarks. I am looking forward to questions from my hon. colleagues.

● (1550)

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, I had some hope that it was going to wrap back into the nomination process and how we select our officers of Parliament. My disappointment is because I know my friend thinks long and deeply about these things, and I was hoping for his thoughts, comments, and insights on the particular process we have suggested today.

By everyone's account, we have a problem here in terms of the way the Liberals have nominated people. Their first nomination to an officer of Parliament did not go well. Maybe he has a different version of events, but the one I witnessed, and many Canadians witnessed, was that the Liberals nominated someone who by definition would be in a conflict of interest because of partisan interests, and officers of Parliament must remain non-partisan and impartial to do their work effectively. The Liberals broke that tradition and nominated someone who was partisan, who had donated to the Prime Minister's campaign, who had been a long-serving Liberal, and donated generally speaking.

She said she was going to apply to the Senate but realized she was too partisan for that particular role. She said she would be in a conflict of interest and could not investigate the Prime Minister. We cannot do that.

The process we have suggested is straightforward. It is to allow a nomination to go to a committee made up of one member of each of the recognized parties, who would be allowed to look at the candidate and clearly vet any of those types of problems. The committee's decision would then be returned back to the House, as it should, for a vote by all parliamentarians, because these officers can only be hired and fired by Parliament. That is the proposal at hand.

The one concern the government has raised today, the only one we have heard, is that it wants even rejected applicants to be returned back for a vote in the House. This is something we have publicly said we are open to. Now that we have removed that one problem the Liberal House leader and other Liberal members have offered up, is my friend open to this process to help fix the problem that is obvious to everyone and impart upon Parliament and Canadians an officer of Parliament who can truly work for all parliamentarians, with no conflict of interest, and no cloud of partisanship? Is he supportive of the proposal today?

As a side note, I share his many positive thoughts about the Chief Justice.

Mr. William Amos: Mr. Speaker, it is fair to say there are many different ways that Parliament can be consulted before nominations and appointments are made. The important thing for Canadians is that they be done in an independent manner, that the process be inclusive, and that it be merit-based.

The accusations of partisanship that we are hearing today, and that we have heard over the past weeks regarding Madam Meilleur, have been most unfortunate. Members from our side have said this repeatedly and quite correctly, her qualifications are unimpeachable. Madeleine Meilleur is a tremendous advocate for linguistic minority rights, and she has been a steadfast supporter of those who seek to ensure their rights are protected.

One can make a claim about partisanship, but at the end of the day, there is absolutely nothing wrong with being engaged in the political process. In fact, we should be encouraging our youth and the citizenry of Canada to get involved in the political process, whether through volunteering or donating or seeking office. That should not be a reason to disqualify them.

What we have seen over the past few weeks is a lamentable example of hyper-partisanship seeking to ultimately torpedo someone's nomination, and a meritorious candidate at that. That is most unfortunate.

● (1555)

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Mr. Speaker, this is just another fine example of the disrespect that Liberals have for the procedures of the House. We are supposed to talk to the motion that the NDP has brought today, yet the member has done nothing but pontificate about a totally unrelated issue, even when corrected by the Speaker.

When we talk about the specific nomination process that went so wrong with Madeleine Meilleur, the consultation was a letter informing the opposition parties that it was happening. This is not a consultation. There is the misrepresentation of facts that went on and all the other partisan appointments we have heard about, yet the member has commented nothing about the nomination process that is being proposed. I will give him another chance. Could he comment?

Mr. William Amos: Mr. Speaker, I am not sure if the member opposite had the opportunity to hear the first five or six minutes of my speech, which I delivered in French. It was 100% entirely on the issue of nominations, so I am not sure what was missed there. Therefore, it is entirely appropriate for the full breadth of the issue of nominations to be discussed in the House. I think Canadians welcome it. They will also welcome the fact that the issue of nominations will be seen in a broader, more positive light. Since this discussion seems to consistently veer down partisan and negative corners, why not focus some positive light on Beverley McLachlin, a beacon of the Canadian justice system?

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, it is certainly an interesting debate. We had one Liberal member describe the process with Madeleine Meilleur as an example of how the process works so very well. In fairness, this member described it more accurately as lamentable.

I want to put something else to the member. It is not just partisanship that is the problem; it is basic qualifications. Does he not agree?

I will give a different example, moving away from partisanship. Arthur Porter was named the chairman of the Security Intelligence Review Committee, the body that oversees CSIS. To refresh the member's memory because this happened in the 40th Parliament, under the act, the government of the day had to consult with the party leadership of officially recognized parties. In that case, the name Arthur Porter was put forward.

The leader of the Bloc Québécois responded in writing that he did not think that person should be considered and reminded the prime minister of the day of the accusations of corruption with respect to the way Mr. Porter managed a hospital in the U.S. As we all know, he passed away in jail as a convicted fraudster but remained a Privy Council officer to his death and had access to all of the secrets of the Government of Canada during the time he was the chair of SIRC. I would use the word "lamentable" with respect to that, as well as "outrageous".

From a sensible analysis, does the hon. member not agree that the process being proposed today is better than a process that would allow someone like Arthur Porter to be named the chair of SIRC, even though other leaders of parties said no?

Mr. William Amos: Mr. Speaker, it is important to distinguish between the nomination and appointments process that our government has brought about and the one that was previously in place. We have made it quite clear, and I did as well in my earlier comments, that the spirit of openness, transparency, merit, and diversity are the fundamental values and principles at the core of the Government of Canada's new approach to appointments. Therefore, it is a helpful question, because it allows us to distinguish between what has gone on in the past and what is happening now, whether with respect to parliamentary appointments or judicial appointments.

Our government is steadfast in its belief that we can do a better job serving Canadians, and that the three branches of government, the executive, the legislature, and the judiciary, can better reflect the public interests of Canadians if there is an appointments process that reflects their own diversity, their expectations for openness, and their expectations that a true merit-based process will be followed.

● (1600)

Mr. Erin Weir (Regina—Lewvan, NDP): Mr. Speaker, we have heard a great deal of debate on the motion already today, so my plan was not to present a full constructive case for our proposal, but rather, to try to refute the arguments that have been made on the government side. Unfortunately, the government has given me relatively little to work with, and since I do not have very much to say, I am going to be splitting my time with my colleague from Burnaby South.

In the spirit of responding to the few arguments the government has put forward, I would like to identify three. First, the government has suggested it already has a really good process for appointments; second, it has suggested that all members of Parliament should vote on appointments; and third, there has been a suggestion that appointments should be reviewed by the relevant committee.

I will start with the government's first argument that it has brought in this new and improved appointments process that is working or is going to work very well. As part of this, it has also talked a lot about the process for judicial appointments. It is important to emphasize that the motion is not about appointments by the executive branch or judicial appointments, it is about appointments in the legislative branch, appointments for officers of Parliament. That is not just a difference of definitions. There is a really important difference in terms of the role that those appointees play.

There are all sorts of people who are appointed by the government through the executive branch, where it is understood that they are appointed by the government to work on behalf of the government, that the government is accountable for their performance, and there is no expectation that Parliament would review all of those appointments. A lot of the comments from the government apply to that type of situation and are not really relevant to the motion. The comments about judicial appointments also do not fit.

The point about officers of Parliament is that they are officers of this place. They are not representatives of the government and are not supposed to be beholden to the government. Quite the contrary, they need to be independent of the government. Therefore, it is important to have some sort of process that ensures that independence. What better process than one that requires the consent of a majority of the recognized parties in the House? I suggest that is already, essentially, a constitutional convention for many of the rules governing Parliament, in that the way one changes them is to have all parties, or at least the majority of parties, agree. It only stands to reason that we would hold the appointment of these officers of Parliament to exactly the same standard.

The other point I would make on this is that the motion we in the NDP put forward today in no way precludes the government from continuing to use the allegedly improved appointment process that it has been touting. The government would still put forward the names of the nominees to the subcommittee that we are proposing. Therefore, the government can use whatever kind of independent merit-based process it wants to select the best possible appointees to put before the subcommittee. The subcommittee would simply be a check on the fact that the appointees are also non-partisan, independent, and have the confidence of Parliament to serve as officers of Parliament. I would present today's motion as being an addition to and complement to whatever appointment process the government already has or might develop to select people for these roles. This is just another check to make sure the appointees are truly independent and non-partisan. It in no way would detract from a merit-based selection process to come up with nominees in the first place.

The second big argument we have heard from the government is that all members of Parliament should vote on whether or not to approve these appointments, as is currently the case. I believe the last member who spoke said it would be undemocratic not to have all members of Parliament vote.

● (1605)

I want to make crystal clear the NDP motion does suggest that appointees approved by the subcommittee would then be voted on by all of Parliament. As we recently heard from the motion's sponsor, we are quite happy to amend the motion in such a way that it is also crystal clear that proposed nominees who are rejected will come to all of Parliament for a vote. That part of the process is not going to be changed. It is the status quo. It remains that way in our motion. Ultimately, all of Parliament still gets a vote on these appointments. That is entirely proper, and as it should be.

We should also recognize that one aspect of having Parliament vote on these appointments is that quite often, and certainly right now, the governing party has a majority of votes in the House of Commons. We are in the situation where if the only test is a vote in Parliament, or a vote of a parliamentary committee that reflects the composition of the overall House of Commons, then the government can essentially appoint whomever it wants, and use its majority to pass that appointment.

While, clearly, these appointments should ultimately be subject to a vote of the entire House of Commons, I do not think that constitutes a sufficient test to guarantee independence and non-partisanship. The way to get independence and non-partisanship is to set up a process in which more than one political party needs to sign-off on the appointment. That is exactly what the NDP is proposing, to set up this subcommittee of the procedure and House affairs committee with one representative from each recognized party. That subcommittee would either approve or reject the appointments.

The purpose of this mechanism is to ensure that all parties have a vote, and that we have sign-off from more than just the governing party on the appointment. Whereas, if we only rely on existing standing committees, or the House of Commons to approve these appointments, it is entirely possible, and indeed likely, that officials may get appointed simply based on the support of the government without any buy-in from other parties.

The third argument we have heard is the idea that these appointments should be vetted by the appropriate committee. For sure, there is a logic that the Official Languages Commissioner should be looked at by the official languages committee, that the head of a public service commission or the public sector integrity commissioner should be looked at by the government operations committee. As a vice-chair of that committee, I have had the opportunity to review one such appointment already.

The point that really needs to be emphasized is that the composition of the subcommittee of PROC is not fixed. It is not only MPs from PROC who would be able to sit on that subcommittee and review appointments. As would any committee or subcommittee, the recognized parties in the House of Commons could substitute whichever MPs they wanted to vet any particular appointment.

Under this system, it is entirely appropriate and probable that what parties would do is take their relevant critics, and put them on this subcommittee when it is reviewing an appointment in its area. I would expect that if the government were trying to appoint an Official Languages Commissioner, parties would put their official languages critics on the subcommittee to review that appointment. If the government were appointing the head of the Public Service Commission, parties would almost certainly put their public service and procurement critics on the subcommittee.

The subcommittee in no way detracts from the expertise of other committees, it is simply a mechanism to ensure that more than one recognized party needs to sign-off on these appointments of parliamentary officers. That is precisely what this House needs to ensure these officials are able to operate in the way that is independent and non-partisan.

● (1610)

[*Translation*]

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, I would like to thank my colleague for his speech and his most appropriate remarks.

My question is about the risks associated with other potential appointments to fill vacant commissioner positions that will need to be filled in the coming months. If the process remains as it is now, there is a risk that the incumbents will be seen as partial and partisan. How might this influence the credibility of these institutions and the reports produced by these officers of Parliament?

Can the hon. member talk about the risks associated with maintaining a process that appears to be broken?

[*English*]

Mr. Erin Weir: Mr. Speaker, I worked very hard in my remarks not to simply talk about the scandal surrounding the appointment of Madam Meilleur. I tried to talk about the entire process, and about other officers of Parliament. However, this question does bring us to the scandal engulfing Madam Meilleur, because government should be able to appoint a Commissioner of Official Languages without it turning into this kind of train wreck.

We see there are several other officers of Parliament up for appointment in the very near future. Therefore, the risk, if we do not adopt this motion, is that we are just going to have more of these scandals, more of these problems, if we carry on. This will really undercut the very important work that these officers of Parliament do, need to do, and need to be seen to do in an independent way.

It is extremely important for the House to adopt this motion to ensure these upcoming appointments occur in a way that is much smoother, and in a way that is also seen to be appropriate and legitimate.

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, I would like to congratulate my hon. colleague on a thoughtful and extremely rational approach to appointments. Canadians have watched government after government at the federal and, frankly, many provincial levels abuse their position of having a majority by appointing people to positions of authority that are simply tainted with partisan consideration.

The issue before the House is that we are asking parliamentarians to recognize there are certain positions that ought to be above partisanship. They ought to be officers of the House who are here to serve the House on a non-partisan basis, and serve Canadians in a similar way.

The United States has an approval process for important positions, where potential candidates are called before committee, which is televised, so that all Americans can see those people answer questions. Does the member have any thoughts on whether such a process could be validly imported to Canada. If we are really concerned about transparency, then perhaps we ought to have proceedings where officers of the House are appointed where the committee work, and the questions being asked of the potential candidates are there for all Canadians to see.

Mr. Erin Weir: Mr. Speaker, it is currently the case that these appointees go up before the respective committees where they are subject to questioning, and those proceedings can be televised. I would agree with the member that it might be a useful reform to ensure that those proceedings are televised.

Certainly, one of the benefits of the NDP motion today is that we would continue to have these hearings to approve officers of Parliament when they are appointed, but they would be before a body in which all recognized parties have the same vote. Therefore, it would not simply be a matter of asking questions, but it would also be a matter of needing the approval of more than one recognized party. That is the best possible test for non-partisanship and independence.

Earlier today, members on the government side were making the argument that people should not be excluded from these appointments because they have ever given money to a political party, and I would agree with that. Therefore, we do need some kind of test to determine whether or not someone is considered sufficiently independent, and getting the consent of other parties is the right mechanism.

● (1615)

Mr. Kennedy Stewart (Burnaby South, NDP): Mr. Speaker, it is a great pleasure to speak about this important opposition day motion, something we should all be considering seriously because it concerns our democracy. Democracy is a strange word. We can use it as a noun, and as a verb. Canada is a democracy, but we also practise democracy, which is the process by which we make decisions. There are certain qualifications for this process. I will not go into all of them, but one of the important things is the whole idea of the process by which we make decisions. It is not only that we are elected to this place, and that we abide by the rule of law and those types of issues, it is also about the micro-processes by which we conduct ourselves both here in the House of Commons and in our governing business, in general.

The motion presents an opportunity, a moment in time. A lot of it has been connected to a discussion about a recent appointment, but in fact it is an opportunity for us to talk about our general process in this House, to step back, put down the partisan gloves, and ask how we could improve the process in the House of Commons.

This is a very good motion. It would remove any partisanship from appointments of parliamentary officers, which is a very good first step. It is practised in a number of provinces. I come from British Columbia, which has actually led the way in Canada, in terms of trying to ensure officers of parliament and the legislature were appointed in an independent way. That is something we should emulate. In fact, we need to catch-up a bit to what has been done in British Columbia.

There is a reason why officers of Parliament are important. We have had elusion to American politics. It is hard not to escape the tsunami of press that comes from the United States, especially now with President Trump in office. However, the United States has checks and balances. The American system was, in essence, designed to make sure that no one gets too much power. Congress, the courts, and the president all balance each other out. We can see, even with control of the two houses of representatives in the United States and the presidency, the Republicans still do not push many things through their legislative process because of the checks and balances, and also because their parties are not disciplined. They do not have the same ability to whip members in the senate or house of representatives that we do here in the House.

What we have in Canada is a very concentrated process where, with the Prime Minister, there is a great concentration of power, and since that power has been centralized through political parties since the 1970s, essentially, we have a tremendous amount of power centred in the hands of the Prime Minister. Independent officers of Parliament are important because they provide an important check to that power. We all wait for the Auditor General's reports to come out, because we know they are independent assessments of what is happening in the House, what is happening with budgets, what is happening with processes. We wait for those reports, and we need to very much respect the person, and we do, who is putting out those reports. In many ways, the officers of Parliament have to be seen as above politics, and they have to have the confidence of everybody.

We have been very lucky in Canada to have a number of independent officers. They have had great respect over the years. However, there is not always a guarantee that happens, especially if the government is using these offices to insert people who are deeply partisan in their outlook. This motion is making sure we can have confidence in these independent officers of Parliament.

My colleague from Saskatchewan made some very good points about the details of this process. What is really important, for example, in the conflict of interest legislation, we have conflict of interest and the appearance of conflict of interest. In terms of appointments of parliamentary officers, we have to look our for the same thing. Even though an officer may not be in conflict, or may not be offering partisan favour, if the appearance is there of such a conflict, or such favouritism toward a particular side, then that erodes the sanctity and the confidence we have in those officers.

● (1620)

In a way, what we are proposing here with the standing committee where one party cannot make a unilateral decision on who is appointed, it protects that office. It ensures that we have the confidence that not only would there not be any kind of favouritism but there would be no appearance of favouritism. That is so important because, without that confidence—or say someone is appointed who is very partisan—the danger is that the moniker of an independent officer provides a kind of shield for that person.

Say, for example—and I do not want to cast aspersions on the current government—some prime minister is deeply partisan and decides only to appoint partisan members to be independent officers. Those officers then would be provided the shield of independence, people being lulled into a false sense of security that these officers are actually independent. What is being proposed here is a necessary check and balance. I think it needs to be put in place, and I do hear from the other side that members are considering it. There are a few minor objections, but I hope that they move forward and support our motion.

I would be remiss if I did not mention my own proposal for a new independent officer of Parliament, and that is the parliamentary science officer. I tabled a bill in the House in the last Parliament and this Parliament. I had support from the Royal Society and other noted science bodies to have an independent officer of Parliament here who would be devoted purely to science. That office would be open to all members of the House. It would be open to senators as well. If there were a question of science within a committee, which arises all the time, this independent officer would be able to go out and provide the necessary information to inform either individual members of the government or committees in terms of what the proper science is.

For example, the natural resources committee might be debating climate change. The independent officer of Parliament would go out and get all the best information about this and then report back to the committee and give the best information available. In that case, it would be very important for that officer to be independent and to be seen as independent. For example, if a certain government appointed a climate change denier as a parliamentary science officer, that would not work very well, so that is why we need this balance and that is why I am providing this example.

I see this as a growth area for government. I think we have found how necessary it is to have auditors general, parliamentary budget officers, and conflict of interest officers. These are very important positions that are being adopted all over the world now, and now there are other positions. They are very low cost for what we actually get out of these positions. In some cases, they are a single office and they have limited staff, but they provide assurance that our democracy is working properly.

I love these kinds of debates. I find the substance of policy debates important.

I would like to read a motion into the record. Seconded by the member for London—Fanshawe, I move:

That the motion be amended:

(a) by replacing section 4 of the proposed Standing Order with the following:

(4) Not later than the expiry of the thirty-day period provided for in the present Standing Order, a notice of motion to concur in the report referred to in section (3) of this Standing Order shall be put under Routine Proceedings, to be decided without debate or amendment.

(b) by deleting section 5 of the proposed Standing Order.

● (1625)

The Assistant Deputy Speaker (Mr. Anthony Rota): It is my duty to inform hon. members that the amendment to an opposition motion may be moved only with the consent of the sponsor of the motion, or in the case that he or she is not present, consent may be given or denied by the House leader, the deputy House leader, the whip, or the deputy whip for the sponsoring party. Does the sponsor agree to this?

Mr. Nathan Cullen: I am just looking over the language right now, Mr. Speaker.

I am also looking over the comments made by the government House leader that indicated the government's concern with the process that we originally outlined. Not only am I more than satisfied that the amendment falls in line with the spirit of what we are trying to do to make appointments more fair to all parliamentarians, but this explicitly addresses the single concern we have heard from the Liberal government House leader about being able to have the recommendation come back from the committee, regardless of whether it has been accepted or rejected, for a final vote in the House. That was her concern, and it was repeated many times.

The member's effort to amend this came from a suggestion by the Conservatives, just for reference sake, and then we did some work on this.

The amendment as outlined by my colleague is not only in the spirit of what we are trying to do, but it addresses the Liberals' concerns. I thank my Conservative colleagues who first proposed this. Is this not nice? Is this not the way Parliament should work?

I look forward to support also from my Liberal colleagues when we vote on this tomorrow afternoon.

The Assistant Deputy Speaker (Mr. Anthony Rota): We now have the consent of the sponsor.

Questions and comments.

Mr. Nick Whalen (St. John's East, Lib.): Mr. Speaker, today's motion has given us an opportunity to review the process for appointments compared to what currently exists and then look at what the NDP has proposed.

Although I am new in this place, I have had the opportunity to substitute on a number of occasions on the citizenship and immigration committee. I have also had the opportunity to sub-in on the procedure and House affairs committee on a number of occasions. I have seen that the use of filibustering by the minority parties in those committees has prevented a lot of the government's work from getting done.

For example, the House voted unanimously to do a study into immigration to Atlantic Canada and it was filibustered by the New Democratic Party and the Conservatives. The procedure and House affairs committee was looking at ways to modernize this place in a way that would allow all parliamentarians to engage in the debate on how to improve this place, and we were denied that opportunity by members filibustering in committee.

The existing process, which allows individual committees to review the appointments of qualified individuals to assume parliamentary offices is a balanced process. It does not give a veto power to individual minority parties in the House. It allows the work of this place to get done. This proposal is to consolidate that role within a committee that could easily be filibustered by the minority parties to thwart what happens in this place.

Could the member tell me what protections we have that nominations will ultimately get through to appointments and that the work of the House of Commons can be done and not be thwarted by the minority parties?

● (1630)

Mr. Kennedy Stewart: Mr. Speaker, it is very easy to tell from the member's comments that he is new to this place.

It is hard to know where to start with that.

This whole problem really started when the last House leader tried to ram through changes unilaterally to the Standing Orders, and that is just not how we do things here. We are not talking about individual policy decisions. We are talking about the way we make decisions in the House.

If we took a bit of the passion out of this discussion and looked at the motion as it is, I do not see why that would not be acceptable. I hope the member takes the time to really consider this and does not just read off talking points.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, let us get the scenario right. The appointment process served quite well for many years, because there was an understanding between parties that any officer of Parliament having to work for Parliament had to have the acceptance of all parties in the place to make it work.

The Liberals just recently, with the Commissioner of Official Languages, tried to put somebody in who, by her own admission, was of such a partisan nature that she would be in a conflict of interest and unable to perform her job; so partisan, in fact, that she could not apply for a Senate position, by her own admission.

We seek to change that by having something that would work better. The Liberals then say they have a problem with it. We say that we have heard the Liberals. The Conservatives make a suggestion to fix the problem. We now fix the problem, and what do Liberals do? They come up with another problem.

One steps back from this and says, “Hold on”. If all those words, “sunny ways” and “hope and hard work” and all that good stuff is to mean anything, then the Liberals actually have to walk the talk a little bit and meet us halfway.

I just heard my Liberal colleague ask how we protect the majority government from the ravages of the minority in this place. Is that how the Liberals approach human rights as well? How do we protect the majority from those minority people looking for their rights. The way this works is with a natural tension between the government and opposition. When it works well, we work together. That is the process we are suggesting. Officers of Parliament must be independent.

How important are these officers of Parliament in the roles and functions they perform, not just for Parliament but for Canadians to have any faith whatsoever in the role that government takes in all of our lives?

Mr. Kennedy Stewart: Mr. Speaker, I thank the member for all his hard work on this file and all the work he does here in Parliament. He is a real example to all of us.

Independent officers of Parliament are an essential democratic tool now. Really, I do not think we would find a single Parliament in the world that does not have one of these officers in place, and in fact, a good number of them. They reassure the public. We have all our partisan squabbling like what we are hearing here today and every day, but when the public looks at these reports, when they hear them reported on the news, they say, "There is somebody I can have confidence in". Sometimes the rulings favour the government and sometimes they do not, and that is what an independent adjudicator is supposed to do.

Politics is something people do not have a lot of faith in these days, and the more we can do to buttress our Parliament, the better.

[*Translation*]

The Assistant Deputy Speaker (Mr. Anthony Rota): It is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Edmonton—Wetaskiwin, Persons with Disabilities; the hon. member for Sherbrooke, Canada Revenue Agency; the hon. member for Edmonton Strathcona, The Environment.

Mr. Luc Berthold (Mégantic—L'Érable, CPC): Mr. Speaker, I will have the pleasure of sharing my time with one of my colleagues, a member of the Standing Committee on Official Languages, the hon. member for Montmagny—L'Islet—Kamouraska—Rivière-du-Loup. I have used up half of my time just by naming his constituency.

Following the last intervention by our colleague from the government side, I think it is important to take stock of why we are here today.

Our NDP colleagues decided to seize this opportunity to use the whole day to debate a topic that is close to their hearts, which is appointments to officer of Parliament positions.

I read the motion carefully, and I can say that it is very well drafted and very well documented. It brings together many fairly interesting points. I particularly note the openness of the NDP, which amended the motion to meet some of the expectations we had regarding the parliamentary appointment process. The same cannot be said of the party in government.

I think it would be important to remember why we are here. I, too, am a new member, since I came to the House in October 2015. I have noticed something with this government. I do not want to say "contempt" because I cannot believe that the government as a whole scorns the work of the House, but it certainly seems to view Parliament as some kind of mandatory formality. The government does not seem to enjoy having to answer to parliamentarians. It does not seem to enjoy being questioned by opposition members. The government does not seem to enjoy it when we call into question the absolute truth it would seem to possess. The Liberals do not seem to enjoy being reminded of the promises they made to voters in 2015 in order to get elected and to form government or of the fact that the majority of these promises have been broken.

I can certainly say that we can feel the Prime Minister's discomfort each time he has to come to the House and answer members' questions. "Answer questions" is perhaps not the best phrase, because the Prime Minister's question periods have not provided us with a lot of answers up to now. Instead, we have had the same answer several times, using the same lines we heard repeatedly in 2015. The Prime Minister seems to have forgotten that he has been in government for 18 months, that things have moved on since then, but that the promises made by the Liberals have not been kept.

This is a radical change from what the government set out to do. In fact, the government has not done a lot in the House up to now. Few bills have been passed, and it is having difficulty getting its own amendments through. Why? Because there is a malaise, because the government does not respect the opposition or the work done by other parliamentarians, whose role is to hold the government accountable and responsible for its actions on behalf of all Canadians. That is the role of parliamentarians, of the official opposition, of the NDP, and of the independent members. That is why we are here.

It is quite astonishing that an opposition party is forced to explain to the government how to implement a non-partisan appointment process. I can understand that, for the third opposition party, having a committee where everyone has a vote is an interesting experience. However, if we want to succeed in having independent officers, it is something that must be seriously studied, because it really can change things and prevent a fiasco like this, where the government has embarrassed a candidate for a very important position.

In fact, the Liberal party has literally jeopardized the future of a very qualified person by throwing her to the lions but being unable to adequately defend her. I am, of course, referring to the nomination of Ms. Meilleur, who certainly has a degree of professionalism and undeniable skills in the area of language rights.

● (1635)

She did an extraordinary job when she was working for the Ontario government. However, she was also very actively involved with the Liberal government, provincially and federally, and she contributed to its election fund. Obviously, in our opinion, Ms. Meilleur's appointment was a reward for all that work. That does not appear to have been obvious to the Liberals or to the Prime Minister's Office, which approved the appointment. However, to opposition parliamentarians and several groups advocating for the rights of Canada's linguistic minorities, this appointment was unacceptable.

In short, this government does not like Parliament. It does not want to be accountable to the opposition. It thinks it did not have to consult the opposition and only had to inform us of the decision to appoint Ms. Meilleur to this position. I do not know why it thought that it would simply go through, but it takes ignorance of how the House works to think that the members of the official opposition and the second opposition party would let something that big go through.

However, it is not surprising when we know what the Liberals think of the House. Right after the election, they introduced Motion No. 6 to completely change the way the House passes bills. That is when we saw something rather unusual in the House. I do not have to remind everyone about the time the Prime Minister crossed the House to strong-arm our whip into taking his seat. We had never seen anything like it. That is how it began.

Then there was a series of time allocation motions. This government, which talked about openness and transparency, said that it would not use these last-century methods to silence opposition members in order to get its bills passed. It should have then started co-operating with the opposition to avoid having to use time allocation. However, it quickly decided that it was not worth the effort to take the time to speak with the opposition, and it imposed time allocation. In a simple letter sent to the media even before discussing it with the opposition members, they said that they were going to try to unilaterally change the rules under which the House works. The Liberal government has shown unbelievable contempt for how the House operates.

Sunny ways, representing an open and transparent government, have turned into a dark cloud of closure and non-transparency. The famous openness that we expected never came, as we have seen with the appointment process.

I heard a Liberal member say that they did not want to give veto power to anyone in the House, and certainly not to a third party, when it comes to appointments because that would infringe upon the right of the majority. However, we are talking about officers of Parliament. It is precisely the role of the government to be well prepared and to ensure that the nominations it submits for consent by the other parties meet their criteria. It is the government's role to find the best possible candidates who will have the unanimous support of the House, because we rely on these officers of Parliament to maintain the trust of the citizens who watch us. Indeed, the public sometimes thinks that we are given to fits of partisanship, but they are perfectly justified in their thinking, because that is the only means we have to reason with this government.

We are going to seriously consider the NDP proposal because it is the only logical proposal aimed at forcing this government to respect the other members of Parliament when it comes to making non-partisan appointments for officers of Parliament.

● (1640)

The Assistant Deputy Speaker (Mr. Anthony Rota): I thank the hon. member. He had 15 seconds remaining.

The hon. member for Sherbrooke.

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, I would like to thank my colleague for his constructive input in this debate.

I am wondering if he thinks that when we appoint officers of Parliament, we have to distinguish between these appointments and all other appointments. Throughout the debate, we heard the government talk about the new appointment process that really applies to all appointments. This can include appointments to the Social Security Tribunal of Canada, the boards of directors of airports or ports, or the Parole Board of Canada. There is therefore a very wide range of Governor in Council appointments, which cover a vast array of different positions. In my opinion, although they should be subject to different examination, officers of Parliament will go through the same process.

I think it is absolutely necessary to take the partisan background of a candidate into consideration. Would we appoint Stéphane Dion or Jean Chrétien to the position of Conflict of Interest and Ethics Commissioner? I think it goes without saying that although they may be the most qualified of all candidates, the fact that they are still close to and very indebted to the Liberal Party would present a problem for a position such as the Conflict of Interest and Ethics Commissioner.

Does the member think we should use a different lens in the case of officers of Parliament? Does he believe that non-partisanship should be a non-negotiable condition of an appointment?

● (1645)

Mr. Luc Berthold: Mr. Speaker, if you will allow me, I will take the 15 seconds remaining to me at the end of my question period. It is my pleasure to answer you on that.

On my colleague's question, I think he is partially correct. Since the beginning of the Liberal government's open and transparent appointment processes, the most transparent thing we have seen is the dues and contributions paid to the Liberal Party of Canada. The first real test of this government in an appointment that should have been non-partisan was the appointment of a an official languages commissioner. That was the first real test, and this government failed it. It succeeded in hurting the career of someone who might have served elsewhere in government.

It has literally played with someone's career to defend the indefensible, namely that the Liberals decide and consulting the opposition is not necessary. I agree entirely with my colleague that officers of Parliament must be treated completely differently, because they absolutely must be approved by both opposition parties every time, and not just by a letter, as was done in the case of Ms. Meilleur.

Mr. Bernard Généreux (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, CPC): Mr. Speaker, I would like to ask my colleague whether he knows the difference between being informed and being consulted.

In the case of Ms. Meilleur's appointment, the government boasts, as it has done again today, of having consulted the opposition parties. In fact, that is completely false, assuming that they know the difference between the words "inform" and "consult". In any event, I know the difference. I think that the 338 parliamentarians here share my opinion. There is a difference between informing someone and consulting them. I think that in Ms. Meilleur's appointment process, in particular, they tried to tell us that they consulted us, and that is completely false.

Can my colleague tell us what he sees as the difference between "informing" and "consulting"?

The Assistant Deputy Speaker (Mr. Anthony Rota): The hon. member for Mégantic—L'Érable has 45 seconds to answer the question.

Mr. Luc Berthold: Mr. Speaker, I will take the 45 seconds remaining to me and the 15 seconds I did not have time to use.

The answer to my colleague's question is simple. There is a very big difference between "informing" and "consulting", and that is respect. This government did not show respect for the official opposition and the second opposition party when it wanted to cut short a consultation process. They simply called the critics to inform them of a choice, and they consider that to be a consultation. That is absurd.

The government has missed the boat, and since I am reaching the end of my 15 seconds, I will conclude my answer there.

Mr. Bernard Généreux (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, CPC): Mr. Speaker, I welcome the opportunity to take part in this debate.

As a member of the Standing Committee on Official Languages, I had the pleasure of meeting Ms. Meilleur. She appeared before the committee as part of the process, and gave a very good presentation. I want to make it clear, especially to the Liberal members who keep saying that we have no regard for her qualifications, that no one questioned Ms. Meilleur's competence. On the contrary, we acknowledged her qualifications throughout the process. When she appeared before the official languages committee, members from all parties recognized from the outset that Ms. Meilleur was qualified for the position. That was never the problem.

The problem was in the process. It lasted five weeks and was a complete mess. It was still going on today at the Standing Committee on Official Languages. My colleague from Drummond, I believe, moved a motion. The minister told this House categorically that the Standing Committee on Official Languages is independent. When someone says that I am independent, that means I can do whatever I want. Committee members from the governing party obviously did not feel independent enough today, despite what the minister said clearly and unequivocally, because they voted against the amendment moved by one of my committee colleagues to strengthen the motion.

Members from each party represent minority language community associations from across Canada at the committee. Our job is to represent them at the committee and move forward on issues that affect them. That is what we are striving for. Unfortunately, again today, the Liberal Party voted down an amendment to a motion, and we could not vote on the motion itself since the vote has been postponed until next week.

The associations representing the country's francophones and anglophones in minority situations have made requests to the opposition parties, by way of letters and calls. In fact, they sent a request to the PMO to meet with the Prime Minister. Their request having remained unanswered thus far, they asked the committee for assistance in order to gain the moral support needed for their request to meet with the Prime Minister to be granted.

Honestly, the motion is very simple when you think about it. It simply states that the committee is calling on the Prime Minister to meet with the associations asking to meet with him, to speak not of Ms. Meilleur, but of the process going forward. We have to look at how we can make the process of appointing a Commissioner of Official Languages or any officer of Parliament totally non-partisan.

The case of Ms. Meilleur perfectly illustrates the point we are making. Despite her absolutely stellar career, Ms. Meilleur ended up being the government's fall guy, which is unfortunate for her. I have no doubt that she probably would have been a very good Commissioner of Official Languages. Unfortunately for her, the government's supposedly open and transparent process meant that she ended up in a horrible mess, which is really unfortunate for her. Honestly, it is ending her public career on a terrible note.

Let's go back to last fall when, at the end of her career in provincial politics, Ms. Meilleur decided to continue to serve the public. No one saw a problem with it. It is very common to see politicians, former mayors or former provincial or federal members of parliament to serve their communities in all kinds of ways.

● (1650)

Ms. Meilleur expressed her wish to be appointed to the Senate. The PMO told her that the Prime Minister did not want to make any more partisan appointments to the Senate. To summarize, Ms. Meilleur wants to become a senator to continue to serve Canadians; she is told she is too partisan; she meets Mr. Butts and Ms. Telford in the PMO; she goes out for coffee and makes a few phone calls; and then she turns up on the list of candidates for the position of official languages commissioner.

Good for her, but how is it that the PMO thought that she was too partisan for a Senate appointment, but not for the position of official languages commissioner? From the outset, that did not pass the smell test. That is unfortunate, but that is how it happened.

When Ms. Meilleur appeared before the Standing Committee on Official Languages, the leader of the second opposition party asked her if she was still a member of the Liberal Party. She hesitated for a second, and then said that she thought her card had expired and that she was no longer a member as of December or January. It was then early May, even mid-May. After verification, because Ms. Meilleur had no other choice than to provide that information, it turned out that she was a member until April 7. She was as close to the party as anyone could be.

That made it clear how close to the party this person was, a person the government definitely wanted to place somewhere, although this was a position had to be absolutely apolitical. The rights of the country's language communities must be defended by someone completely impartial. In this process, unfortunately, Ms. Meilleur really bit the dust, because the government completely botched the job. The way the process unfolded is unspeakable.

Let me digress a little. The minister had the final word on Ms. Meilleur's appointment. She also had the nerve to say, here in this House, that Ms. Meilleur did not talk about her nomination when she met with Mr. Butts and Ms. Telford, among others. That was the day when I genuinely believed that the minister was taking the 338 members of the House for idiots by telling them that a candidate with close ties to the Liberal party had not spoken about her nomination during a meeting with people from the Prime Minister's Office. It is completely incredible to make such a statement. It makes no sense at all.

I would also like to recognize the work of my colleague, the member for Drummond, because it is important. He has done outstanding work on the Standing Committee on Official Languages for a number of years. He is very familiar with all the processes, and with the Official Languages Act. He regularly introduces motions intended to improve the quality of our work, as we do for him, so that we can have the best processes possible.

I would like to go back to the motion that was debated at the Standing Committee on Official Languages this morning. The minister says that the committee is independent, but, unfortunately, the committee members who fought tooth and nail for the appointment and the supposedly open and transparent process for five weeks have not been up to the task, and they were not up to the task again this morning. We are going to debate the issue again next Tuesday and I hope that they will vote for the motion.

● (1655)

[*English*]

Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC): Mr. Speaker, I want to thank my colleague for his understanding of the issue. A while back, the Prime Minister gave all ministers a mandate letter. In it was something to the effect that they should never have a conflict or perceived conflict of interest. Now the Liberals have taken this position. They inform people but they do not consult with them.

In the House, we try to, and need to, gain as much credibility with and accountability to the citizens of Canada as possible. Now we have what has happened here. The mandate letter is just words. If members remember the cash for access, it did not mean anything about the perception or the actual transfer of dollars and having to pay to get information.

The Liberals have broken the trust of the opposition parties because of their acts of entitlement to hand-pick their nominees for officers of Parliament. What does this do to the status of Parliament and to the reputation that the government leaves to the Canadian people?

● (1700)

Mr. Bernard Généreux: Mr. Speaker, I will try to answer in English. I am on the official languages committee and I speak English a bit. Therefore, I will try to do my best to answer my colleague's question.

In this process across Canada and in the official languages committee, people asked that Parliament do a better job. They also asked that the Liberals to do a better job on this file. The problem is that has put a big black cloud over Parliament. We are in 2017. We should be going forward, not backward. In 2015, the Prime Minister said, "We're in 2015". We are in 2017 now. It is time to move forward and do things the right way.

[*Translation*]

Mr. Robert Aubin (Trois-Rivières, NDP): Mr. Speaker, I thank my colleague for his speech.

We have been talking about Ms. Meilleur's case for some time now. She was selected for the commissioner's position. I think it was my colleague, the member for Sherbrooke, who talked about the importance of appointments for officers of Parliament. There is an old saying that the example comes from the top. I wonder where we will be headed if the Liberals do not support this motion. A good number of departments also have opportunities for possible appointments. Take the Minister of Transport, for example. He can appoint people to the boards of directors of port or airport authorities. If no clear message comes from the top, the message that partisanship in making appointments must stop, I feel that we are unlikely to heed it.

I would like to hear my colleague's comments on the matter.

Mr. Bernard Généreux: Mr. Speaker, my thanks to my colleague for his question.

Of course, whether in a Parliament or in a political party, leaders clearly set the example for all their troops. The same principle applies in business. In this case, the Prime Minister has set a very bad example. What is even more troubling at the moment is our time in Canadian history. The Commissioner of Official Languages is appointed for a period of seven years. As I said in committee, we would have been in a position where the committee lacked confidence in a commissioner whom we knew to have close ties to the government. The repercussions on our work and on the way we stand up for the people we represent would have been incredible.

It was mentioned that the position of Conflict of Interest and Ethics Commissioner and various key government positions would be vacant in the coming years. I hope that we will not end up with bad appointments, because I remain hopeful that the Liberals have learned something from what just happened and about the process that should be in place. It is all well and good to say that the process is open and transparent when a website is built and people can apply online. Anyone can do that. We need to go much further. The same goes for officers of Parliament and for port and airport administrators. There needs to be some distance between them.

[*English*]

Ms. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, I am certainly happy to stand in this House in support of the NDP motion put forward by the member for Skeena—Bulkley Valley on the appointment of parliamentary officers.

The Liberals campaigned on, and continue to promise, an open and transparent government. As the Prime Minister has said, and has stated on the Liberal website, "Liberals will shed new light on the government and ensure that it is focused on the people it is meant to serve: Canadians."

Canadians put their hope for social democracy in the current Prime Minister. It was he who called on Canadians to step up and pitch in, to get involved in the public life of this country, and to know that a positive, optimistic, hopeful vision of public life is not a naive dream; it can be a powerful force for change.

What he appears to have left out is the truth we have seen come into play in the events of the last few weeks with his unilateral appointment of Madeleine Meilleur as the Commissioner of Official Languages: that a powerful, optimistic, and hopeful vision of public life is possible only if one has demonstrated too much partisanship to be appointed as a senator and has made sufficient donations to the Liberal Party of Canada.

Thus far, the Prime Minister has exposed the singular cynicism of his election night speech with his action, or more accurately his inaction, on key portfolio promises. He has backtracked on his promise to protect the environment. He has yet to restore protections for our navigable waters in response to destructive legislation by the previous Conservative government that gutted the important environmental laws that protected water. The Prime Minister has refused to recognize the devastating effects of colonialism and continues to underfund first nation education. He pays ineffectual lip service to implementing the UN Declaration on the Rights of Indigenous Peoples. He continues to challenge veterans in court. He has executed a blatant about-face on the promise of electoral reform. Most recently, he has spearheaded a half-hearted attempt to address the child care crisis in this country by allotting funds for additional child care spaces at half the rate he has allowed for increased military spending. That is in an effort to appease Mr. Trump.

In light of the fiasco that occurred when the current Prime Minister attempted to sidestep the process and appoint Madeleine Meilleur as the next Commissioner of Official Languages on May 15, the motion the New Democrats are putting forward today is timely and relevant.

In the case of the appointment of the Commissioner of Official Languages, the Prime Minister was obligated to consult other leaders on the appointment. Instead, he sent a letter informing them of his decision. We have seen this type of autocratic dictatorial behaviour on the part of our Prime Minister before. When he backtracked on his promise that 2015 would be the last first-past-the-post election in Canada, it was not as a result of extensive consultation or implementing the will of the majority of Canadians consulted. Rather, it was the result of his dislike of the recommendations of the all-party committee for a system of proportional representation, as opposed to the Prime Minister's preferred system of ranked ballots. In effect, the Prime Minister felt free to override the will of the people for his own personal advantage and decided to take his ball and go home rather than engage in fair democratic play.

Of course, there was the cowardly manner in which the Prime Minister delivered his backtracking on electoral reform. He had rookie ministers deliver his message rather than step up to take the heat for his own decision.

The Commissioner of Official Languages is one of eight officers of Parliament. It is a non-partisan role mandated by the 1988 Official Languages Act. Madeleine Meilleur's nomination received criticism from New Democrats and Conservatives because of her ties to Ontario and federal Liberals. Neither New Democrats nor Conservatives were consulted on Meilleur's nomination.

On June 7, Ms. Meilleur withdrew her nomination for the Commissioner of Official Languages position, as it had become “the object of controversy.” We know that Ms. Meilleur had initially sought a Senate seat, but she said Monday she bowed out after she realized it would be impossible, given the government's new non-partisan, merit-based application process for the upper House. If Ms. Meilleur was too partisan for the Senate, she was most certainly too partisan to be appointed Commissioner of Official Languages.

My colleague from Windsor West, with whom I am going to split my time, may have some remarks in that regard.

● (1705)

The lack of consultation among parties for new commissioners raises questions about whether commissioners will be non-partisan and able to do their jobs. Having a committee on which no party has a majority to pre-approve nominations significantly increases the likelihood of non-partisan appointments.

I would like to highlight the historical importance of having people who are objective and non-partisan appointed to parliamentary office. Their work is to serve and inform Parliament, not government. Parliament is the representative and democratic House of governance. It remains while governments ebb and flow according to political trends. The deliberations of parliamentary appointees must be immune from the partisan leanings of governments.

Our motion calls for a parliamentary committee comprising members of all political parties to consider such appointments to ensure that the successful candidate is objective and non-partisan. I can give a concrete example from my tenure as an NDP government member of the provincial parliament in Ontario in 1994.

Our government was intent on ensuring that the Environmental Bill of Rights was implemented and respected across the province, and it set about appointing the province's first environmental commissioner. The selection committee comprised members from all parties, and deliberations on the appointment were lengthy. We were tasked with assigning the role to the right person, someone who would be objective. There were many names put forward, including an ex-NDP member of the provincial legislature. He did not get the appointment, much to the consternation of some New Democrats at the time.

The successful appointee, Eva Ligeti, turned out to be a strong voice for the environment. She was non-partisan and impartial. Her tenure as environmental commissioner survived the NDP government in Ontario and continued into the days of the Harris revolution, a period marked by draconian and austere measures that included a tax on the poor, on health care, on education, and on the environment. In her 1999 annual report to the Legislative Assembly, Ms. Ligeti warned of a public health crisis that would result from unacceptable levels of air pollution, a prediction we have come to realize was entirely founded, with the increased number of smog-alert days we now experience in Ontario.

Because Ms. Ligeti was objective, strong, and impartial in her role as environmental commissioner, she was able to stand up to the government of the day to defend the people of Ontario and the Environmental Bill of Rights. Unfortunately, because of her disfavour in speaking truth to power, Ms. Ligeti's tenure as environmental commissioner was not renewed after her initial appointment ended in 1999, and Mike Harris unilaterally terminated her from the post. Opposition members argued that the termination of the commissioner should have been a vote of the provincial legislature, but their objections were ignored.

The similarities between Mike Harris and our current Prime Minister in making unilateral and partisan decisions regarding the appointment of parliamentary officers should be quite evident. The Prime Minister might want to consider revising his party's messaging around sunny ways and "real change" to "It's my way or the highway."

Parliamentary officers serve Parliament, the representative body of the Canadian people, and not governments, which can come and go. It is therefore imperative that officers be chosen by an impartial body from a pool of diverse and qualified candidates and that the selection committee comprise members who understand the role of a parliamentary officer.

The United Kingdom has a commission for public appointments, named by the Queen and independent from government and the civil service. The commissioner oversees the appointments and makes sure a set of criteria, which include fairness, impartiality, openness, transparency, and merit, is scrupulously followed. It seems to me that if this Prime Minister is so intent on revising the way we do business in this House to be more democratic and representative of Canadians, he should be doing more than just cherry-picking the elements that serve him politically, such as attending question period every Wednesday to answer every question. He should put some real, substantive thought into the consideration of changes, such as empowering the Speaker of the House to require the Prime Minister to actually answer the questions, as they do in the U.K.

● (1710)

Once again, New Democrats are offering the Prime Minister and his government the opportunity to do this right. We encourage him to support this motion today and to back our campaign and the Liberals' promises of effective change that will outlive their political tenure and serve Canadians well. It is what we were elected to do, and I, for one, will settle for nothing less.

● (1715)

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, I think it is important to deal with the situation we have in front of us and the severity of it as it relates to other positions appointed by Parliament.

The way it shakes out, at the end of the day, is the old patronage game, which casts a shadow across what has been taking place here in Ottawa, and not only here in Ottawa. Its tentacles go through the Liberal Party. One only has to look at the provincial Liberal Party in Ontario. A recent study showed that 33% of failed by-election candidates found employment with the Liberals soon after.

People who choose to put their names up for public service or an electoral position take a gamble for the things they may want to do and the issues they want to raise in representing people. There may be issues that are very challenging to get out there, issues that may not be as popular or that may go against corporate interests. What we have seen in this chamber is the return of the highest degree of arrogance with respect to the appointment process. That is what we had with the official languages situation.

I remember when I first came here in the good old days of the early 2000s, we had former MPs being appointed as ambassadors. Alfonso Gagliano was one of them. He was sent to Denmark to avoid the sponsorship scandal. These appointments can be very dangerous when it comes to democracy and can undermine the work of the House. When we read through the positions we are talking about here, they are crucial elements of our democracy. For example, I would not dismiss the importance of the ambassador to Denmark position.

The reality is that our official languages go to the heart of this nation. It is one of the things that makes us very strong, and it is especially pertinent to North America. Having the dual languages is critical not only for our social and cultural well-being but because it is a competitive advantage for Canada in the world.

Coming from a diverse, multilingual community, English is often a second language, but it is a dominant language. Given that we have so many people from different parts of the world and ethnic origins, it is a competitive advantage. The recent scandal with the situation of the Commissioner of Official Languages is a major setback, not for keeping things the way they used to be but for where we need to go.

My community has had a francophone culture for over 300 years. It is celebrating its tricentennial during my tenure as a member of Parliament. A lot of new Canadians who come in use the French language as a bridge to get to the English language. We have so many people from different countries who use French as a first, second, and sometimes a third language. When we talk to people who come from different parts of the world, especially from Europe, it is not uncommon for them to have three or four languages.

The positions we are talking about are critical for deciphering how we provide services and tools for our economy. I have talked many times about the border at Windsor-Detroit. The fact is, we have 10,000 trucks and 30,000 vehicles going through my region per day. What does that have to do with official languages? Well, we have high-paying jobs that we still strive to keep in the manufacturing and trucking industry, which go all the way from Quebec, in manufacturing for auto and aerospace, down to Mexico, and we need those services done well at the border.

● (1720)

Those rights protect not only the individual who wants to go and provide bilingual services at that point, but the interpretation is important for business because it allows the vehicles to move more smoothly and more economically. They are not stalled by a language barrier, which then costs us money. The delays affect everybody, and that certainly is not good for anybody, whether they are francophone, anglophone, or whatever it may be.

When we think about this position, it is not just a social and cultural issue, this is an economic issue by all means. We need to keep that seriousness in line. I am proud of our party for fighting so hard. When I got here, Yvon Godin from Acadie—Bathurst was here, and if members think I am loud, this is nothing compared with Yvon Godin. He had a built-in megaphone. He really brought to root the strength of having that francophone language as part of our foundation, and where we could built from.

This issue is not just an emotional one or a cultural one. It is an economic one, and people need to understand that. There are other officers who are affected if we do not deal with this properly, and we have seen the debacle that has taken place. We have the Chief Electoral Officer, the Auditor General, the Ethics Commissioner, Commissioner of Lobbying, the Public Sector Integrity Commissioner, the Clerk of the House, the parliamentary librarian, the parliamentary budget officer, the Information Commissioner, and the Privacy Commissioner.

Those positions should be filled without the past contributions and political baggage that is out there. We do have Canadians that fit those moulds. Unfortunately in this situation, it really showed the weakness, the know-it-all attitude that comes from the top of the Liberal Party and how it filters down here.

People can go to open media or read anything they want, and they will see that the House of Commons discourse is dominated by a few on the Liberal side because they do not let the others participate, or maybe those members do not want to participate. I do not know which it is. The mere fact is that the Liberals have stuck with the front row and the Prime Minister on this as opposed to working with everybody else in this chamber.

Those few in the cabal around the Prime Minister seem to have all the answers all the time in their instructions, versus working with the process that has been in place. That is notification and rules of engagement. We have a rules-based system that would have the Liberals go to the Conservatives and the New Democrats, in terms of consultation, using Parliament, and actually creating a working environment.

I do not just blame the Liberal backbenchers for this. We have a Prime Minister, quite frankly, who does not have the work experience in this place to know how to do the things that are necessary to build the foundation for working together, which he professes about day in and day out. He does not know that, because he did not do that work here.

I sat right here while the Prime Minister was here as the Liberal leader at that time and as a backbencher before. Did he do committee work? Did he do the work in the House of Commons? Did he work bi-partisan? For heaven's sake, the Prime Minister got selected number one in the lottery overall, he tabled a motion in the House of Commons, and he did not get it passed. It was on volunteerism. How could he create a motion on volunteerism in Canada, table it in this House of Commons, and not get it passed? That is unbelievable. It should be a Canadian moment.

This was a dream come true. As a member in this Parliament, he got number one in the lottery. If people at home do not understand this, if a member is selected, then he has won the lottery, and all he could come up with was a motion on volunteerism.

I will conclude with this. I do not blame all the Liberals. I think it is a lack of work experience. It is important, because these positions are important for our daily lives and our economics, not just our social and cultural exchanges.

● (1725)

[*Translation*]

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, I thank my colleague for his speech. The end of his speech reminds us of the Prime Minister's experience in the House; it is somewhat limited.

What does my colleague think about the news reports that the individual who was approached to be the new Commissioner of Official Languages was too partisan to be a senator but not to be the Commissioner of Official Languages? What signal does that send to those interested in an officer of Parliament position, be it the position of Conflict of Interest and Ethics Commissioner, Commissioner of Lobbying, Privacy Commissioner, Information Commissioner, parliamentary budget officer or Chief Electoral Officer?

When the Prime Minister's Office tells candidates that since they are too partisan to be a senator, they will find them an officer of Parliament position, what message does that send?

[*English*]

Mr. Brian Masse: Mr. Speaker, I thank my friend for his work on the banking industry. We have seen a number of things being highlighted in the past two weeks in Parliament, culminating in some good work for all Canadians related to this. It also relates to this indirectly, which I will get to, but I want to thank him for that work because protecting the wallets of Canadians is very important, as well as privacy and integrity.

The member's message was with regard to the Senate and the House. When we hook up the black light, all we see are red fingerprints all over the place. That is the real problem. There is an issue with the layer that is unearthed eventually. It is unfortunate, because there is always a sub-story and a sub-plot to the plot that goes on and on. Then we find out later, when we shake the sheets, that there are more things that are even worse. It is sad because good people get caught up in that. It is unfortunate, but the reality is that it is a twisted plot that the Liberals have for appointments and it has to end because there are simply too many important positions that need to be filled.

[*Translation*]

Mr. Robert Aubin (Trois-Rivières, NDP): Mr. Speaker, I thank my colleague for his passionate speech. I believe that this is the way he is and that this is fine.

We have discussed at length the detrimental impact of the Liberal's attempted Commissioner of Official Languages appointment. I remember during the previous parliament that we railed just as hard against Conservative appointments that basically made senators out of failed House of Commons candidates.

The NDP's proposal is certainly a strong one, but I have noticed that, since the beginning of this Parliament, offers to work in a coalition come most of the time from the NDP. I would like to draw attention to a point that has unfortunately been left behind by the Liberals.

Would electoral reform not have forced this reconciliation that we sometimes manage to come up with through goodwill, but in the case of reform, would have been imposed by the democratic framework?

[*English*]

Mr. Brian Masse: Mr. Speaker, I mentioned a statistic about the Ontario Liberals and how 33% of failed candidates got appointment positions. There is further work that shows that in 2011, 25% of failed federal Conservative candidates wound up with some type of government job. These standards seem to be close, but we have to give them credit for being at the lower threshold of what is taking place. We will see what comes out of the most recent one.

Specifically with regard to the work done on electoral reform, it is sad that this hard work was done and the Prime Minister simply does not understand, because he did not do a lot of work as a parliamentarian. I am not trying to attack the Prime Minister. I am just going by the facts. It is all in the public record in terms of which committees members went to, how they contributed, what they said, how often they spoke in the House of Commons, where they sat in committees, what they voted on. Those things are all on the public record. Unfortunately, working with people requires hard work from diverse groups that want to arrive at a common place, and we just cannot force that on people. We need to work together to steer the boat in the same direction.

The Assistant Deputy Speaker (Mr. Anthony Rota): Pursuant to an order made earlier today, all questions necessary to dispose of the opposition motion are deemed put and a recorded division deemed requested and deferred until Wednesday, June 14, 2017, at the expiry of the time provided for oral questions.

It being 5:30 p.m., the House will now proceed to the consideration of private members' business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS

● (1730)

[*English*]

JUSTICE FOR VICTIMS OF CORRUPT FOREIGN OFFICIALS ACT

The House resumed from May 19 consideration of the motion that Bill S-226, An Act to provide for the taking of restrictive measures in respect of foreign nationals responsible for gross violations of internationally recognized human rights and to make related amendments to the Special Economic Measures Act and the Immigration and Refugee Protection Act, be read the second time and referred to a committee.

Mr. Murray Rankin (Victoria, NDP): Mr. Speaker, I am pleased to speak today in strong support of Bill S-226, which is entitled "Justice for Victims of Corrupt Foreign Officials Act". The bill would enable targeted sanctions against foreign nationals involved in human rights abuses. It would amend two existing Canadian laws, the Special Economic Measures Act, and the Immigration and Refugee Protection Act. In doing so, it would allow the government

to declare individual human rights abusers inadmissible to the country and would freeze their assets in Canada.

Before I address the substance of the bill, I want to say a few words about where it comes from. Most of us in the House are by now familiar with the sad if not tragic story of Sergei Magnitsky, the man honoured by name in the bill. Mr. Magnitsky was a lawyer in Moscow acting on behalf of Bill Browder, an American businessman managing an investment fund there. Mr. Magnitsky uncovered a $230-million corruption scheme involving officials in Russia's interior ministry. He was arrested, jailed, and held without trial for almost a full year. He was denied medical attention as well. He was tortured and eventually killed. He died in November 2009 at the age of 37, after being beaten by prison guards. He was posthumously tried and convicted of the very fraud he had uncovered. That is Russian justice.

Since then, Bill Browder has been fighting for justice and action from the international community. My colleagues and I have had the privilege of meeting with Mr. Browder on several occasions throughout our work on the bill. The progress we have seen so far, with legislation passed in the United States and the United Kingdom, is due in no small measure to the tireless work of Mr. Browder and his colleagues. Indeed, Mr. Browder has devoted his life to this cause: justice for his former lawyer, Mr. Magnitsky. We in the House owe them a debt of gratitude for championing this cause and for presenting us now with an opportunity to establish Canada as another leader in holding human rights abusers accountable.

Of course, Mr. Browder and the others fighting for justice for Mr. Magnitsky are not alone, just as Mr. Magnitsky's case was, sadly, not unique. Testimony from activists and academics before both the House and Senate foreign affairs committees has reinforced the prevalence of such abuses around the globe and the culture of impunity that too often accompanies them, especially at the international level.

That is why it is so important that the bill be global in scope. Though it is inspired by the memory of Sergei Magnitsky and the fight for justice by those who knew him, its effects will reach far beyond Russia.

As Garry Kasparov told the House foreign affairs committee last year, "Money is always looking for safe harbour". Bill S-226 would deny safe harbour in Canada to those who deny and destroy the rights of their own citizens, wherever such acts were committed. It would also put wind in the sails of those fighting that corruption and that injustice in their own countries.

The NDP has consistently called for targeted sanctions against those responsible for human rights violations and for greater coordination of Canada's regime with the European Union and the United States. However, what is remarkable today is the degree of agreement across all parties and both chambers. I note that the bill echoes recommendations of both the House and Senate foreign affairs committees, as well as motions passed by both chambers in 2015. Not only that, every recognized party in the House committed to the adoption of this type of targeted sanctions legislation in the last federal election. Therefore, I hope this long overdue bill will now be passed swiftly.

● (1735)

As I said earlier, the bill would amend two laws, the Special Economic Measures Act and the Immigration and Refugee Protection Act, to allow for targeted sanctions against individuals.

How would that work? It would apply to those responsible for extrajudicial killings, torture, and other gross human rights violations, as well as those who would use their public office to expropriate public wealth, including through corrupt contracting, bribery, and the extraction of natural resources.

It is therefore broader in scope than the Freezing Assets of Foreign Corrupt Officials Act, which applies primarily to the misappropriation of public property and is triggered at the request of a foreign government.

The bill would allow for sanctions to be imposed on individuals in cases that did not meet the high and government-focused threshold currently required by the existing Special Economic Measures Act. Every sanctions regime currently authorized under that act uses the "grave breach provision" , as it is called, which refers to violations of international peace and security that are "likely to result in a serious international crisis." In other words, the threshold is very high before action can occur. The murder of an opposition leader or the misappropriation of natural resource wealth may not spark that international crisis, but it ought to bring consequences from the international community. The bill would allow Canada, finally, to do just that.

Bill S-226 would also tighten the linkage between the Special Economic Measures Act and the Immigration and Refugee Protection Act. As it stands, listing under the former does not automatically lead to a declaration of inadmissibility under the latter, the immigration legislation.

As the report of House foreign affairs committee correctly noted, the complexity and layering of Canada's sanctions regime, which includes several distinct legislative authorities, can offer flexibility but can also breed, frankly, confusion and overlap. This disconnect between imposing economic sanctions under one act while declaring inadmissibility under another has to be fixed. This bill would fix it.

As Professor Meredith Lilly noted in testimony before the committee, "there's no convincing rationale that the Canadian government would want to impose economic sanctions against an individual yet still allow that person to come to Canada". The foreign affairs committee appears to have endorsed that conclusion in its recommendations to us.

It is also important to note that Bill S-226 would require the appropriate parliamentary committees to conduct annual reviews of the individuals and entities targeted for freezing of assets and travel bans. This is an appropriate and useful role for Parliament to play. It strikes me as particularly important in light of another recommendation in our foreign affairs committee's most recent report. That report noted a concern, based on the experience of other jurisdictions, that existing mechanisms for ministerial review of sanctions decisions may be insufficient with respect to their procedural fairness and their transparency.

In light of that, the committee recommended the enactment of an independent administrative review mechanism for individuals and entities that felt that they had been wrongly targeted.

In the context of that broader recommendation, the bill's provisions for parliamentary committees to regularly review the government's sanctions targets is important and timely.

I am proud of the spirit of collaboration that has guided the bill through both chambers and their committees. The bill responds to a call for justice by those who know first-hand the corrosive effects of corruption and violence on a political system. Indeed, one of its proponents, Boris Nemstov, a democratic leader in Russia who spoke in support of this legislation in Ottawa in 2012, was later assassinated.

The bill would make Canada a leader in holding those responsible and complicit in such crimes and human rights violations accountable, through targeted economic sanctions and travel bans. Passing the bill would send a powerful signal to those fighting for justice for Sergei Magnitsky that Canada would not be a safe haven for those responsible and complicit in such crimes to enjoy the fruits of their crimes.

● (1740)

Hon. Peter Kent (Thornhill, CPC): Madam Speaker, it is a true honour to speak in support of Bill S-226. I thank Senator Andreychuk for her initiative in another place and I thank the member for Selkirk—Interlake—Eastman for bringing it to the House.

The legislation will effectively add a long overdue dimension to Canada's official sanctions regime by targeting corrupt foreign officials responsible for gross violations of internationally recognized human rights. This act will be forever associated with Sergei Magnitsky, a heroic victim of Vladimir Putin's brutally corrupt regime. He was an auditor who discovered and exposed details of a massive corruption racket involving many mid and high-level Russian government officials, oligarchs, best described collectively as "kleptocrats".

I will not revisit the tragic details of Mr. Magnitsky's cruel detention, his torture and his death or of the Putin regime's posthumous conviction of Mr. Magnitsky on outrageously confected charges of tax evasion. However, I would recommend, for those unaware of the Magnitsky story, the international best seller, *Red Notice*, written by his employer, the crusading champion of Magnitsky-style legislation in democracies around the world, Bill Browder, CEO and founder of Hermitage Capital Management.

Bill C-226 lays out very clearly the circumstances under which corrupt foreign individuals, not just in Russia but anywhere in the world, would be listed. Listing would apply to individuals responsible for, or complicit in, extrajudicial killings, torture or other gross violations of internationally recognized human rights, and foreign government officials exposed of illegal activity.

The law would prohibit those individuals from travelling to Canada, investing in Canada or for any funds or properties of these individuals discovered in Canada to be subject to seizure. The law would also provide for penalties against Canadians found to be engaged in activities that would assist the identified corrupt foreign officials.

The Liberal government has come to accept and support the legislation very late in the day, even though in the final days of our previous Parliament, the Liberals joined all parties in unanimously supporting a motion for Magnitsky-style legislation.

The first Magnitsky legislation was passed in the United States in 2012. Other countries have followed such as the United Kingdom and Estonia. The European Parliament has called on member countries to consider imposing entry bans on listed individuals and for co-operation in freezing the assets of listed Russians.

Despite acceptance and implementation of these Magnitsky laws, the former Liberal foreign minister, Stéphane Dion, flatly opposed such legislation last year, saying, more than a little disingenuously, that it was unnecessary. Fortunately, over the past year, encouraged by the official opposition and NDP members of the foreign affairs committee, the Liberal members of the committee came to agree that in fact Canada did need Magnitsky-style sanctions legislation.

Our committee heard testimony from a broad spectrum of witnesses.

Former Liberal justice minister, Irwin Cotler, the sponsor of the House's original Magnitsky motion, said that the main objective “is to combat the persistent and pervasive culture of corruption, criminality and impunity”, and most importantly, to assure victims and defenders of human rights in such foreign countries “that Canada will not relent in our pursuit of justice for them”.

Garry Kasparov, an eloquent advocate of democratic reform in Russia and, of course, former world chess champio, put it this way in his testimony before the committee. He said, “Money is always looking for safe harbour. We are talking about hundreds of billions of dollars, if not more, of this money that will definitely be looking for a place to be invested.” He warned against Canada being considered by corrupt individuals as a “safe haven”.

Zhanna Nemtsova, daughter of the Russian pro-democracy crusader, Boris Nemtsov, murdered on a Moscow bridge in 2015, made clear the importance of targeted sanctions against named individuals. She said, “These are not sanctions against a country or even a government. These are sanctions against specific individuals responsible for corruption and for abusing human rights.”

● (1745)

Equally powerful testimony came from Russian human rights activist, Vladimir Kara-Murza who, after recovering from one sinister attempt to poison him in Russia in 2015, told our committee:

> I have no doubt that this was deliberate poisoning intended to kill, and it was motivated by my political activities in the Russian democratic opposition, likely including my involvement in the global campaign in support of the Magnitsky Act.

Mr. Kara-Murza was in Canada a few weeks ago still recovering from a second poisoning attempt on his life. He encouraged Canadian parliamentarians to ensure the legislation was quickly voted into law and then, as importantly, effectively enforced.

That is an important point because, as the foreign affairs committee discovered during our hearings this past year, enforcement of Canada's existing sanction regime is pathetically dysfunctional and ineffective.

The Freezing Assets of Corrupt Foreign Officials Act was created in 2011, to respond to events of the Arab Spring, where governments fell and state assets were vulnerable to corrupt officials suspected of moving ill-gotten wealth to locations abroad.

The Special Economic Measures Act has been used in the creation of a number of regulations that would impose restrictive measures and prohibitions on illegitimate activities, to freeze bank accounts, to block financial dealings and seize property.

Sanctions against Iran for its nuclear adventurism and sponsorship of terrorism are within SEMA, as are sanctions against Russia for the invasion and occupation of Crimea and sponsorship of the deadly rebellion in Eastern Ukraine.

However, testimony revealed that Canadian departments and agencies that were mandated to monitor and to enforce such sanctions, operated in counterproductive silos, that the complexities of sanctions enforcement exceeded the capacity of departments and agencies. Most important, we heard from the RCMP and other agencies that there was a lack of capacity to monitor and investigate compliance and that sanctions enforcement was a much lower priority than say, anti-terror responsibilities.

While we in the official opposition are pleased that the Liberals have accepted our unanimous foreign affairs committee recommendations to add this Magnitsky bill, Bill C-226 to Canada's sanction regimes, there is still much more to be done.

There are 12 other recommendations in the committee report aimed at fixing Canada's dysfunctional sanctions enforcement to increase capacity, coordination, and commitment between departments and agencies. The need for just such action was made clear last month. Where bureaucrats, security agency officials, and financial institution specialists tended to scoff that Russian kleptocrats would want to move illegal funds to Canada or to enjoy those ill-gotten gains in Canada, information provided by Mr. Browder to the RCMP last year and to Canadian journalists more recently proved exactly the opposite.

The CBC confirmed that after following up on Mr. Browder's documents, a powerful Russian crime syndicate, accused of laundering hundreds of millions of dollars around the world, appears to have also flowed millions through nearly 30 Canadian bank accounts, without sanctions enforcers noticing. Some of those accounts belonged to individuals. Others were shell companies created to receive incoming funds and to send laundered money abroad.

Lincoln Caylor, a Toronto lawyer who specializes in complex fraud, was quoted as saying that there was so much documentation proving that millions from a sophisticated Russian tax fraud had moved in and out of Canada, that it was groundbreaking.

We in the official opposition are pleased the government has finally decided to support Conservative legislation, which will target the world's worst human rights offenders, as well as from Russia, to Iran, China, Congo, Venezuela, South Sudan, anywhere perpetrators of gross violations of human rights can be identified. We are pleased with the combination of Bill C-226 and the foreign affairs committee's unanimous recommendations to apply Magnitsky sanctions legislation and to enforce them.

The challenge now is for the often foot-dragging Liberal government to actually act.

● (1750)

[*Translation*]

Ms. Pam Goldsmith-Jones (Parliamentary Secretary to the Minister of International Trade, Lib.): Madam Speaker, it is with great pleasure that I speak today to Bill S-226, an act to provide for the taking of restrictive measures in respect of foreign nationals responsible for gross violations of internationally recognized human rights and to make related amendments to the Special Economic Measures Act and the Immigration and Refugee Protection Act.

[*English*]

The bill is also referred to as the justice for victims of corrupt foreign officials act, or the Sergei Magnitsky law.

I would like to thank Senator Andreychuk for her commitment to this important question, and for the opportunity to debate this in the House of Commons.

Having served as Parliamentary Secretary to the Minister of Foreign Affairs when our government came to power, I know the proposed Magnitsky law was front and centre in question period and was an important area of study by the foreign affairs and international development committee. The issue first arose in the House in the last Parliament, and received unanimous support.

Clearly, the detention, torture, death in prison, and posthumous conviction of Sergei Magnitsky for exposing fraud and corruption in the Russian government constitute gross violations of internationally recognized human rights. There is a clear desire on the part of two consecutive Parliaments to pursue some form of a Magnitsky law similar to U.S. legislation.

Our exploration of a Magnitsky-type law includes many leaders. First, I would like to commend the courage of former Minister of Foreign Affairs, the Hon. Stéphane Dion, for creating room for us to properly understand the tools at our disposal and for his tremendous respect for the work of the Standing Committee on Foreign Affairs and International Development as it undertook a comprehensive review of Canada's autonomous sanctions legislation.

The Special Economic Measures Act, or SEMA, and the Freezing Assets of Corrupt Foreign Officials Act were the subject of close study, the outcomes of which both entertain the idea of a Magnitsky act and go much beyond that to bring our legislation up to date.

It is important for Canadians to understand how the parliamentary process can work and does work in the best interests of our safety and security and in defence of human rights around the world. For months the former minister and I encouraged parliamentarians to continue their deliberations, and also to wait for the work of the committee to be complete.

We had some lively exchanges during question period thanks to my colleague across the way, as many among us would rather drive toward a prescribed solution than take the time to investigate thoroughly, respect the work of the committee, understand the complementarity of the Senate bill before us, and come to a decision rooted in all that Parliament brings, commensurate with the decision we are being asked to make.

I attended every committee meeting. We learned that Canadians believe that sanctions are an important tool and that there is currently no mechanism that includes a way to impose sanctions in response to gross violations of human rights. We learned that the Government of Canada underfunds its ability to enforce sanctions and that there is room for improvement if we are to be truly effective.

Third, we have an enhanced regard for the seriousness of a Magnitsky-type list. Who is on a list? How does one get on a list? How does one get off this list? The foreign affairs committee report discusses the need for improved transparency and protection of procedural rights of individuals listed under Canada's sanctions regime.

This legislation has been inspired by a particular case in a particular country. The case of Sergei Magnitsky is but one example of systemic violations of human rights and impunity for perpetrators. All victims of gross human rights violations and abuses deserve justice.

However, the Senate and the House of Commons are deeply concerned about the Magnitsky case and the state of human rights and the rule of law in Russia today, as are highly credible human rights organizations globally. Human Rights Watch reports that:

> Today, Russia is more repressive than it has ever been in the post-Soviet era. Using a wide range of tools, the state has tightened control over free expression, assembly, and speech, aiming to silence independent critics, including online.

Amnesty International reports that:

> Restrictions on rights to freedom of expression, association and peaceful assembly increased...Human rights defenders faced fines or criminal prosecution because of their activities...There were reports of torture and other ill-treatment in penitentiary institutions, and prisoners' lives were at risk because of inadequate medical care in prisons.

● (1755)

In the course of our deliberations on Bill S-226, we heard powerful testimony from a number of individuals close to Mr. Magnitsky, and knowledgeable about the human rights situation in Russia more broadly. As I mentioned earlier, many leaders have fought to bring international attention to Russia's human rights abuses and the tragic case of Sergei Magnitsky.

Mr. Bill Browder, CEO and co-founder of Hermitage Capital Management and the author off *Red Notice*, has travelled to Ottawa frequently to shed light on the circumstances surrounding Sergei Magnitsky's imprisonment and death, and to implore Canada to take action against human rights violations.

Vladimir Kara-Murza, coordinator of open Russia and deputy leader of the people's freedom party, gave us a first-hand account of the serious human rights challenges Russia faces, given the absence of political pluralism or free and fair elections, the lack of independent media, and the fact that many of the regime's opponents today are in prison.

Ms. Zhanna Nemtsova spoke to the committee. She is a Russian journalist and activist. Her father, Russian opposition politician and statesman, Boris Nemtsov, was assassinated in the heart of Moscow in 2015, just hours after appealing to the public to support a march against Russia's war in Ukraine. Ms. Nemtsova's testimony for all of us was courageous and heartbreaking.

Canadian parliamentarians have not remained silent over Russia's behaviour. Boris Nemtsov, Russia's illegal annexation of Ukraine, prosecution of Crimean Tatars, and gay and bisexual men in Chechnya, Canada has repeatedly condemned Russia's human rights violations and illegal acts. The Government of Canada will not solely use sanctions to solve all human rights abuses and violations. We will pursue a comprehensive approach, from multilateral and bilateral engagement, to development assistance, to trade policy, to find the best and most effective response. My final recognition and deep appreciation on behalf of all Canadians is to the hon. Irwin Cotler, who has stuck with this, of course.

Victims of gross human rights violations and abuses deserve justice. That is why this government is proud to support Bill S-226, with some amendments, to enable Canada to take restrictive measures against foreign nationals responsible for gross violations of human rights and corruption. This is not just the Senate, nor the House, nor the government, Canada is speaking with one voice. It truly does take all of us.

Mr. Tom Kmiec (Calgary Shepard, CPC): Madam Speaker, I would like to thank the government House leader for allowing me to speak to this particular piece of legislation that is before the House, and under consideration.

I have a Yiddish proverb, like I often do, because it touches upon the story of multiple individuals who were involved both in the drafting of the legislation, the principles behind it, and the international advocacy that has led many western countries to implement a lot of the ideas we are trying to get into Canadian statutes today. It states, “It's not so terrible when you lose money. When courage is lost, all is lost.”

This legislation bears the name of, and is relevant to, Sergei Magnitsky, a gentleman who was a lawyer in Russia, who discovered one of the most massive tax frauds in the history of the Russian Federation. Through his good work and courage, in spite of what he was facing, which was a faceless bureaucracy that was intent on stopping him from divulging it to the public, he revealed the depths of where this $200-plus million was stolen from, the Russian taxpayers, and demonstrated the massive public sector corruption that led to the very top of the Kremlin.

He was a man who, despite being imprisoned, despite being separated from his family, his children, and despite suffering a medical condition that developed during his time in prison, chose to continue. He chose to do the right thing. He showed courage in spite of immense pressure from the Russian government to try and break him, to try and make him accuse both his employer Bill Browder, others around him, and other lawyers of being involved in the tax fraud. Sergei Magnitsky paid with his life for pursuing the right goal, which was revealing massive tax fraud and evil. That courage should be celebrated. Therefore, I am glad this legislation bears his name.

I am quite happy the foreign affairs and international development committee saw fit to both honour Sergei Magnitsky with his picture on top of its report for its review of SEMA, and that it also mentioned him in the recommendations. A great deal of effort was made on the part of the Conservative Party, the New Democrats, and the Liberals later on, after they saw the light, and decided not to pursue the failed policy-orientation of Stéphane Dion, despite him now being promoted, or demoted, to the position of ambassador.

Under this new Liberal minister, I see there is potential for achieving some positive results, both for Sergei Magnitsky, and for others, because this legislation is not just about Russia, it is about corrupt foreign officials from whatever country. Specifically, I think of Venezuela, and certain African countries where there are systemic, continuous gross human rights violations, where taxpayers are being taken for a ride for the benefit of dictators and autocratic regimes, and where the public service facilitates this theft.

As I mentioned, there are members who have already done quite a historical review, including the member for Thornhill and the member for Selkirk—Interlake—Eastman. They have mentioned different parts of this legislation, what the intent is, and what the goals are in achieving the final outcome.

I will go back for one moment to the work of the Standing Committee on Foreign Affairs and International Development. I am pleased to sit on this committee. I worked on the report that was tabled in this House, which offers the government 13 recommendations and options for upgrading how the Freezing Assets of Corrupt Foreign Officials Act and the Special Economic Measures Act function.

It is important to bear in mind that Canada has some tools right now to limit what corrupt foreign officials can do here. However, we can do better. These tools can be vastly improved to offer up true changes. Those changes cannot just be legislative, the actions have to be down at the regulatory level, with the people working there.

From page 23 of that report, under "Guidance on Sanctions", Milos Barutciski, a partner with Bennett Jones LLP, stated. "I deal with the Competition Bureau. I deal with CBSA. I deal with the Ontario Securities Commission. I deal with any number of agencies, and I will get their take or interpretation of how they administer the act."

Therefore, it is not just about having a piece of legislation. I really feel that the implementation and enforcement of the act is critical at the most basic level. He goes on to say that the response he often receives from public servants is that they can't interpret the law, because they are not regulators.

● (1800)

A lot of the 13 recommendations contained in the standing committee's report speak to that enforcement of the law. A lot of the changes proposed in the Senate bill would actually achieve part of the goal of making the application, the enforcement side, a lot simpler for public servants to understand, with the goal being to exclude from our country foreign officials who have been found to be corrupt and involved in systemic abuses, gross human rights violations, or systemic theft from the taxpayers of their country.

It is not just exclusion that is important; the freezing of assets is equally important. There are many corrupt foreign officials in other countries who see Canada as a safe haven. They know the United States and many European countries have sophisticated systems for tracking assets, whether real estate or financial bank accounts. They also understand those countries are very good at coordinating their lists and building large sanctions lists that will exclude them, freeze their assets, and make it impossible for them to study, vacation, or bring their families abroad. This legislation speaks to that exclusion goal, but also the freezing of assets. The two go hand in hand.

Recommendation 13 from the report basically asks the government to amend the Immigration and Refugee Protection Act to designate all individuals listed by regulations under SEMA as also inadmissible to Canada. I speak of this report because it is important as we debate this particular Senate bill. They go hand in hand. We have to have both at the same time. The most successful sanctions that are applied are those that both freeze the assets of corrupt foreign officials and exclude them from our country. An exclusion is an extremely powerful indicator of the principle that stealing from the taxpayer, from their population, is wrong, and that corruption and greed are wrong, and we do not want them here.

The same thing goes for gross human rights violations. We should not forget the individuals who have done quite a bit of work internationally to bring forward the case of Sergei Magnitsky. What he did represented a courageous fight by an individual for doing what is right, revealing massive corruption by his government. Bill Browder, his lawyer, has done extensive work internationally to try to bring his case as emblematic of what can happen in these countries. Truthfully, it is not as uncommon as people think. There are far more individuals involved in these types of activities than we would like to see.

I remember meeting Vladimir Kara-Murza not too long ago. He has been poisoned twice now by the Russian regime, the Kremlin. He expressed again his deep desire to return, to continue the fight not just of his colleague, the now deceased Boris Nemtsov, but also the courageous fight for democracy in Russia. There are many such people in all types of countries, from Venezuela to African countries to Southeast Asian countries as well. They believe in democratic human rights and they want to fight for them, fight for an open, fair, pluralistic democratic system.

There are those we saw yesterday who protested peacefully during Russia Day and were arrested. Some were beaten. In that particular case, Alexei Navalny was actually arrested before he could get to the protests. He was not even able to get to his own protest , which he had supposedly illegally organized, but he had permits to hold them.

When one lives in a country where one cannot even go to one's own protest, what wonder is there that these people then seek refuge in the west and ask us to do something more than what we are doing now. Press releases and words are nice, but they want to see concrete action.

It is thanks to people like Bill Browder, Vladimir Kara-Murza, and the senator who moved this bill that we are actually going to have an opportunity to do something about it, to exclude people involved in massive corruption overseas and gross human rights violations from our country and to freeze their assets. Then they will know that the Canadian government and the people of Canada reject those types of actions and will hold them accountable for them.

I will be supporting the bill.

* * *

● (1805)

CERTIFICATES OF NOMINATION

Hon. Bardish Chagger (Leader of the Government in the House of Commons and Minister of Small Business and Tourism, Lib.): Madam Speaker, pursuant to Standing Order 111.1, I have the honour to table, in both official languages, a certificate of nomination, with biographical notes, for the proposed appointment of Charles Robert as Clerk of the House of Commons.

I request that this nomination be referred to the Standing Committee on Procedure and House Affairs.

* * *

JUSTICE FOR VICTIMS OF CORRUPT FOREIGN OFFICIALS ACT

The House resumed consideration of the motion that Bill S-226, An Act to provide for the taking of restrictive measures in respect of foreign nationals responsible for gross violations of internationally recognized human rights and to make related amendments to the Special Economic Measures Act and the Immigration and Refugee Protection Act, be read the second time and referred to a committee.

Mr. Arif Virani (Parliamentary Secretary to the Minister of Canadian Heritage (Multiculturalism), Lib.): Madam Speaker, today I rise proudly to speak in favour of Bill S-226, the Sergei Magnitsky legislation.

Our government supports this bill. Our support comes with amendments that will strengthen its implementation and its effectiveness and better align it with current Canadian sanctions and immigration policy and practice. These amendments will also align with the Standing Committee on Foreign Affairs and International Development recommendations that were issued on April 6, 2017.

My support for this bill comes for a few reasons that I will expand upon this evening. The first is my riding of Parkdale—High Park and the constituents within it. Second is my own background in practising constitutional and human rights law and prosecuting internationally with the UN. The third is that it resonates with the foreign policy objectives recently outlined by the Minister of Foreign Affairs.

On the first point, as a prefatory comment, I want to talk about what Bill S-226 seeks to accomplish. It will create a legal mechanism to allow for the imposition of sanctions in response to gross violations of internationally recognized human rights as well as in response to acts of significant corruption. There is currently no Canadian law that authorizes the imposition of sanctions specifically for violations of international human rights obligations in a foreign state or for acts of corruption, including those in Russia, as highlighted in the case of Sergei Magnitsky. Bill S-226 will address this gap.

Furthermore, our government also supports expanding the scope under which sanctions measures can be enacted under the Special Economic Measures Act to include cases of gross violations of human rights and foreign corruption.

Let me turn now to the category that I talked about at the outset, my constituents, the people I represent. As the member of Parliament for Parkdale—High Park, during my tenure and during the campaign two years ago, I have had literally hundreds of one-on-one conversations with constituents of both Polish and Ukrainian descent who live in my riding. The diaspora is very vibrant in my community. We are home to two pre-eminent festivals for both Polish Canadians and Ukrainian Canadians. Those representatives come with deep, passionate, interest in the affairs of Ukraine and of Poland.

This is communicated to me regularly by such stakeholders as the Ukrainian Canadian Congress and the Canadian Polish Congress, as well as by individuals like Marcus Kolga of the Estonian Central Council in Canada. What they tell me is the same thing, over and over again: that eastern Europe is embattled because of Russian aggression. They talk to me about the illegal annexation of Crimea, which our government rejects. They talk to me about the ongoing aggression and military activity in the Donbass and the threat of an ever-expansionist Russia moving across eastern Europe. They also talk to me about the violation of human rights of those who dare to speak out in Russia itself.

It is in the effort to combat such human rights violations that this legislation was developed. By promoting respect for human rights, this legislation captures the sentiments expressed to me time and time again by my Ukrainian-Canadian and Polish-Canadian constituents, who desire respect for basic civil liberties in Russia and who want to curb Russian aggression and expansion in Europe.

The second aspect that I want to discuss this evening is the category of human rights violations. I come to this chamber as a lawyer who practised for 15 years, defending charter rights here in Canada and prosecuting international human rights violations abroad with the United Nations. We are lucky in this country to have many rights, freedoms, and privileges when others around the world face real and constant danger for simply opposing their government or daring to speak out.

I would like to take some time to outline the specific type of international human rights violations this bill will seek to curb or stop outright.

We have heard discussion about this, but the most important component is the case of Sergei Magnitsky himself. He was a Russian lawyer. He was tortured, beaten, and killed in a Moscow prison after uncovering a $230-million tax fraud and testifying against the Russian government officials involved. Despite overwhelming evidence incriminating these prison officials, the Russian government exonerated everyone involved.

As most people know, the people who killed Mr. Magnitsky did so for money. We know that criminals of this kind do not keep their ill-gotten gains in their country of origin. They do not keep it in places like Russia. They know all too well how easily it can be taken away from them. They keep their money in the west.

What will this legislation do to address the situation? For this, I turn to none other than Bill Browder, a well-known advocate for defending gross human rights violations abroad and an advocate for his own employee, Sergei Magnitsky, who died in this context.

● (1810)

Mr. Browder has said:

> We realized that by preventing these people from storing and spending their money in the West, we could bring an end to the impunity they enjoyed in Russia. By freezing their assets and banning their visas, we could create direct, personal consequences for human-rights abusers, hitting them where it hurts the most — in their wallets. This was the genesis of Magnitsky sanctions — targeted visa bans and asset freezes imposed on individual human-rights abusers.

The Sergei Magnitsky case is not the only case. That is the most troubling aspect. There is the case of Alexander Perepilichny, who suddenly dropped dead in Britain after providing key evidence in the Magnitsky case. There is the case of Vladimir Kara-Murza, who campaigned for a Canadian version of the Magnitsky Law and was poisoned. There is the case of Boris Nemtsov, another Russian opposition politician who campaigned in this very capital for a Canadian Magnitsky piece of legislation in 2012 and was shot dead three years later. In March 21 of this very year, Nikolai Gorokhov, a lawyer for the Magnitsky family, fell four stories from his apartment in Moscow, the fall occurring the night before he was due to give new evidence in court concerning the government cover-up in the Magnitsky case.

What I want to emphasize is that the genius of this legislation is that it is global in reach, and it needs to be, because the problem it targets is indeed global in scope. We are talking about other nations. We are talking about examples such as Buzurgmehr Yorov, a fearless human rights lawyer and whistle-blower in Tajikistan. He was recently sentenced to 23 years of imprisonment simply for doing his job, when he took on the cases of several leaders of the opposition in Tajikistan, the very type of work that I have done here and that many people do around the planet.

Internationally, the global community has responded to these kinds of violations. In 2012 the United States was the first country to adopt such sanctions vis-à-vis Russia itself, passing global Magnitsky legislation and expanding the reach in 2016 with a global act that sanctions human rights abusers from around the planet. Forty-four people from around the world have been banned from the United States under that legislation.

The European Parliament followed suit in 2014. Last year, Estonia passed the first Magnitsky sanctions law in Europe. In Canada, a former Liberal MP, the Hon. Irwin Cotler, a man who was previously our colleague here, introduced in this chamber a Canadian version of the Magnitsky Act in 2011. As members can see, it is important in terms of our international obligations to our partners to enact this legislation and to take action on the underlying issues it seeks to address.

Let me turn to Canada's foreign policy objectives, which were recently announced by the minister. On June 6, the Minister of Foreign Affairs noted that there are:

> ...clear strategic threats to the liberal democratic world, including Canada. Our ability to act against such threats alone is limited. It requires co-operation with like-minded countries.

When human rights violations occur around the world, they are a threat to democratic values around the world. That is why we must implement legislation such as Bill S-226 in solidarity with other allies and members of the international community. It is only by acting in unison that we can hope to globally curb gross human rights violations and corruption.

In her speech, the Minister of Foreign Affairs also noted that one of the key tenets of our foreign policy has been the basic promotion of human rights at home and abroad. She said:

> It is a Canadian, John Humphrey, who is generally credited as the principal author of the Universal Declaration of Human Rights, which was adopted by the UN General Assembly in 1948. That was the first of what became a series of declarations to set international standards in this vital area.

I wholeheartedly concur with this sentiment. As a former war crimes prosecutor with the United Nations who tried cases on the Rwanda genocide tribunal, I can personally testify to the heavy involvement of Canadians at the UN and at that particular tribunal. Canadian involvement in the promotion and protection of human rights abroad is a long-standing tradition, and it is a key priority for our government and for our citizens.

The minister also noted:

> These institutions may seem commonplace today. We may take them for granted. We should not. Seventy years ago, they were revolutionary....

Finally, the minister made a simple yet essential statement when she stated:

> ...our values include an unshakeable commitment to pluralism, human rights, and the rule of law.

That simple statement captures the essence of our democracy and, in my view, why it is only natural for us to pass this much-needed legislation.

To conclude, I support this legislation because it aligns with the beliefs and the convictions of my constituents, because it seeks to curb gross human-rights violations from being perpetrated on individuals around the world, and because it strongly aligns with our new foreign policy framework. I encourage all members of this House to support it as well.

● (1815)

Mr. Mark Warawa (Langley—Aldergrove, CPC): Madam Speaker, it is an honour to speak on Bill S-226, a very important piece of legislation. I listened intently to all of the comments made today, within the last hour. It is unfortunate that the government did not make this a priority to introduce on day one, because during the election everybody acknowledged the importance of Magnitsky legislation. I am not a member of the government, but I am glad the government is onside, supporting legislation that was introduced by the member for Selkirk—Interlake—Eastman and Senator Raynell Andreychuk.

Bill C-267 was the bill of choice for the member for Selkirk—Interlake—Eastman. He introduced the Holodomor legislation in Canada, the first western country to recognize the horrific human rights violations, with more than 10 million Ukrainians killed by the brutal hands of Stalin. We are here today because of continued violations in the same part of the world, where Sergei Magnitsky was brutally killed. He was imprisoned in a Russian prison, detained, tortured, and murdered in 2009.

There is a pattern here. Boris Nemtsov came to Canada in 2012. He was the official opposition leader in Russia opposing the Putin regime and the human rights violations, the torture, the poisoning, the aggression, and the violations, and he was brutally murdered too, just outside of the Russian Parliament buildings.

The violations continue in Ukraine with the annexation of Crimea by Putin and his regime. Sergei Magnitsky's murderers have gone unpunished. Each of us in the House has a responsibility. I start each day praying, asking God what he would have us do in the House, how we can bring justice to this country and the world. May we never shirk from that duty and accomplish what each of us has been called to do. I believe this piece of legislation, Bill S-226, is one of those things.

I am thrilled, but I also realize that this is a House where politics are often practised, and at times things are promised, things are said, and there are other things happening behind the scenes. I am thankful the government is going to support this bill. I have indicated that there is agreement on the amendments, but we need to pass this legislation, and we need to pass it quickly. It needs to go back to committee and the Senate. If we amend it, it has to go back to the Senate; if we accepted it the way it came from the Senate, it could be enacted. However, it has to go back to the Senate.

I know everyone on this side will support this bill, and I encourage everyone on the government side to do the same so that it passes, goes back to committee, comes back to the House, which can be done in one day, and then it can go back to the Senate so that this important legislation can be enacted.

I again want to sincerely thank Raynell Andreychuk and the member for Selkirk—Interlake—Eastman. I have been on trips to Ukraine with them and have seen their passion and love for that country. The roots of their heritage are in Ukraine, as are mine; and many in the House, in all parties, have those wonderful roots. Let us stand up for human rights. It is not just about Russia's aggression in Ukraine; it is about human rights across the world and Canada being given the tools to enact sanctions that will be effective.

● (1820)

Mr. James Bezan (Selkirk—Interlake—Eastman, CPC): Madam Speaker, I want to thank all members for their interventions over the two hours of debate on Bill S-226. There are so many people to thank. First of all, I want to thank Senator Raynell Andreychuk, who brought this bill forward.

As I said in my opening comments, the last paragraph in the preamble best sums up what this bill accomplishes. It reads:

> And whereas all violators of internationally recognized human rights should be treated and sanctioned equally throughout the world,

We spent a lot of time, and a lot of speakers here mentioned the abuses in Russia. As someone who has been banned from Russia, along with a number of colleagues, I know it is of grave concern to most members in the House to ensure that we take the right actions against Russia's aggressions in Ukraine; and against Russia's human rights violations within Russia and its neighbouring countries as it continues to crack down on the freedom of the press, the LGBTQ community, and political dissidents.

We have witnessed it again this week, just yesterday. Alexei Navalny is the leader of the official opposition in Russia. He is a Russian Opposition Coordination Council member and the leader of the Progress Party. He has been described by *The Wall Street Journal* as "The Man Vladimir Putin Fears Most".

Yesterday, which was kind of like Russian Independence Day, Alexei Navalny organized a number of large-scale demonstrations promoting democracy and human rights and attacking the political corruption of Putin and the kleptocrats at the Kremlin. He has been arrested before, in 2011 and 2017, and he was arrested yesterday morning before he even got out of his house. Before he even got onto the streets to participate in a peaceful protest, he was pulled from his house. All communications were cut off in his house and office. Along with thousands of other people, he was arrested yesterday in Russia and imprisoned for 30 days for holding an unsanctioned rally.

This is 30 days in prison, and we know that prison time in Russia is hard time. It is where Sergei Magnitsky was detained, beaten, tortured, and ultimately murdered, because he was a whistleblower on Russian corruption, on calling out the kleptocrats who were enriching themselves at the cost of individuals who had been committing a large tax fraud and blaming Bill Browder.

I would like to thank Bill Browder for the hard work he has done, not only in coming to Canada to have us bring forward Sergei Magnitsky-style legislation, but also to the United States, Britain, the European Parliament, Estonia, and other countries that are adopting this type of legislation, so that we as western nations, as democracies that love human rights and freedoms, can go out there and start to change the channel on these human rights abusers, these corrupt foreign officials who continue to enrich themselves and think that they can hide their wealth and their families in our countries. Bill S-226 provides the tools and mechanisms for the government to go out there and sanction them so that they cannot benefit from their crimes.

We also have to remember Boris Nemtsov, who was assassinated on the bridge outside of the Kremlin just two years ago. The last time he was in Canada speaking to the foreign affairs committee, he said that Magnitsky-style legislation is pro-Russian legislation. It is about making sure that the people of Russia enjoy the freedoms of democracy and the rule of law that we take for granted here in Canada, in the United States, and in western Europe. This is about trying to modernize that.

A couple of weeks ago, opposition leader Vladimir Kara-Murza was here, and he too, after being twice poisoned—two assassination attempts on him—still had the power and strength to come and speak to us as parliamentarians and again say that we should pass this legislation.

● (1825)

I am glad that the government, the NDP, and all members of Parliament are supporting this legislation. I know the government has brought forward amendments. I have met with government officials from foreign affairs, and I can tell the House that the Conservatives are okay with these amendments. There are a few on which we are still working on some wording, but let us get the bill to the foreign affairs committee, which has already done some great work on studying the Magnitsky-style legislation. The committee has the ability to quickly analyze the amendments, implement those amendments, and get them back here to the House so that we can pass them before we break for summer, and then the Senate can deal with those amendments.

Again, I thank everyone who has participated in this debate.

● (1830)

[*Translation*]

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

Some hon. members: Agreed.

The Assistant Deputy Speaker (Mrs. Carol Hughes): I declare the motion carried. Accordingly, the Bill stands referred to the Standing Committee on Foreign Affairs and International Development.

(Motion agreed to, bill read the second time and referred to a committee)

[*For continuation of proceedings see part B*]

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Tuesday, June 13, 2017

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OFFICIAL REPORT
(HANSARD)

Tuesday, June 13, 2017
(Part B)

Speaker: The Honourable Geoff Regan

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HOUSE OF COMMONS

Tuesday, June 13, 2017

[*Continuation of proceedings from part A*]

ROUTINE PROCEEDINGS

● (1830)

[*English*]

COMMITTEES OF THE HOUSE

JUSTICE AND HUMAN RIGHTS

The House resumed from May 11 consideration of the motion.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Mr. Speaker, I rise today to speak once again on Bill S-217, known as Wynn's law. It is a simple bill. It is a straightforward bill to close a fatal loophole in the Criminal Code that cost Constable David Wynn his life when he was murdered by someone who was a career criminal and who was out on bail. One of the reasons he was out on bail was that his extensive criminal history had not been brought to the attention of the judge at the bail application hearing. One of the reasons why that information was not presented was that currently under the Criminal Code, leading such evidence of the criminal history of bail applicants is discretionary, even though it is always relevant and material to the question of bail.

It is with considerable disappointment that the Liberal-dominated justice committee voted to recommend that Wynn's law not proceed.

This is a common-sense bill, but as is so often said, common sense is not so common. If ever there was a better illustration of that truism, it is the Liberal opposition to passing this legislation.

Let us be clear about what the Liberals voted against in recommending that the House not proceed with Wynn's law. They voted against changing one word in the Criminal Code. The member for Mount Royal is shaking his head and he should not, because the fact of the matter is that the essence of Wynn's law has always been about changing "may" to "shall" in section 518 of the Criminal Code so that section 518 would read that a prosecutor shall lead evidence of the criminal history of a bail applicant rather than its current wording, which provides that a prosecutor may lead evidence of the criminal history of a bail applicant.

That has always been the essence of the bill. I was prepared to make all amendments necessary so that not only the essence of the bill would be that, but in fact that is all the bill would be. Notwithstanding that, the Liberals had absolutely no interest in accepting that amendment, so the Liberal record on the bill is very simple, it is very clear-cut, and it is in opposition to changing that one word.

I expect the member for Mount Royal, or whatever Liberal gets up to speak, will say it is a little more complicated than that, but I say it is not in the face of that fact. I would expect that the member for Mount Royal, or whatever other Liberal stands up in this place to defend what I would submit was an indefensible decision coming out of the justice committee, will hide behind certain groups that came out in opposition to the bill, while probably selectively ignoring other groups like the Canadian Police Association, which represents some 60,000 front-line police officers.

One can say this group supported Wynn's law and this group opposed Wynn's law, but that is not the issue. That is not what is relevant. What is relevant is the evidence, the evidence at committee on the specific question of changing one word from "may" to "shall", and in that context, the question of leading criminal history of bail applicants at bail hearings. That is the question.

What was the evidence before the justice committee? The evidence was that witness after witness said that the criminal history of bail applicants is always relevant and material on the question of bail.

● (1835)

Indeed, the president of the Canadian Association of Crown Counsel testified before the committee that it was the bread and butter of what prosecutors do. He said it is the first thing that prosecutors learn to do when they learn how to handle a bail hearing. Not only that, not one witness provided a credible example of when a prosecutor should appropriately withhold evidence of the criminal history of a bail applicant.

In the face of bad evidence, it really does beg the question of how in the world any fair-minded and reasonable person could oppose changing "may" to "shall" in section 518 of the Criminal Code.

There were three main, at least semi-cogent, arguments that were put forward against changing that one word. One argument that was repeated a number of times was that Wynn's law would somehow interfere with prosecutorial discretion, even though not one witness was able to present one credible instance of when it would be appropriate for a prosecutor to exercise discretion in withholding evidence about the criminal history of a bail applicant. Wynn's law would not interfere with prosecutorial discretion because leading evidence about the criminal history of a bail applicant should not be a matter left to discretion.

Another rather bizarre argument that was put forward was the notion that Bill S-217 would somehow increase the evidentiary burden placed upon prosecutors, and that as a result of that increased evidentiary burden it would make it more difficult for prosecutors to keep dangerous criminals behind bars. The only problem with that argument is that Bill S-217, Wynn's law, has absolutely nothing to do with increasing the evidentiary burden. All Wynn's law would require is that prosecutors lead evidence of the criminal history of a bail applicant. The evidentiary standard is provided for in a totally different section of the Criminal Code, paragraph 518(1)(e), which provides that a judge may accept evidence that is credible and trustworthy. Wynn's law would not change that standard.

Then there was the argument of delay. It was asserted that somehow Wynn's law would cause a backlog in the courts and that it would make bail applications longer. It is frankly difficult to accept that argument in the face of the evidence that this is something that is almost always done. In terms of making something that is almost always done, always done, it is pretty difficult to imagine that, in that context, suddenly there is going to be a massive backlog in our courts. Then the question becomes, in the case where perhaps a bail hearing might take a little longer, what sort of bail applicants would see perhaps a few extra minutes to lead evidence?

It certainly would not be in the case of a bail applicant who had no criminal history, because in such a case, there would be no criminal history to lead evidence of. In the case of career criminals, someone like Shawn Rehn, who shot and killed Constable Wynn and shot Auxiliary Constable Derek Bond, with his more than 50 prior criminal convictions, yes, it might take a few minutes to lead evidence about that career criminal's history, and so it should. Extending it by a few minutes is a small price to pay.

● (1840)

In closing, let me say very quickly that Constable Wynn's killer's bail hearing was a very efficient bail hearing, but it had very fatal consequences.

Mr. Anthony Housefather (Mount Royal, Lib.): Madam Speaker, I am pleased to get up, as well, to talk to Senate Bill S-217, Wynn's law, which we all agree comes from a good place.

Shawn Rehn never should have been out on bail. His antecedence, his prior record should have been disclosed at the bail hearing. However, let us remember that the person acting as the prosecutor at that bail hearing was a police officer who was poorly trained. It was not a prosecutor exercising his discretion not to disclose the criminal record of the accused. I have heard, on multiple occasions, that Constable Wynn would still be with us if this law had been in effect and based on all the evidence we heard, that is not the case. Because that poorly trained—

Mr. Michael Cooper: Unbelievable. Shame.

The Assistant Deputy Speaker (Mrs. Carol Hughes): I want to remind the member for St. Albert—Edmonton that he had the opportunity to make his speech without disruption and I would expect him to do the same for others who are speaking in the House. There is a rule that addresses that.

The hon. member for Mount Royal.

Mr. Anthony Housefather: Madam Speaker, that poorly trained police officer was not exercising discretion. He did not know what to do, which is why when Nancy Irving wrote the bail report for the Province of Alberta, she did not recommend this change to the law.

My heart breaks for Shelly Wynn. My heart breaks for the Wynn family. My heart breaks for anyone killed by a career criminal like Shawn Rehn. However, all of the evidence that we heard at committee, the great preponderance of evidence came down on the side of not proceeding further with this law.

I am going to put into the record the things we heard from witnesses at the committee, but before I do, I want to counter some of the myths that I have heard.

First is that somehow the government told the committee members what to do here. I was one of the 27 Liberals in the House that voted to send the bill to committee. I thought, based on common-sense principles, it made sense to send the bill to committee and to listen to what witnesses had to say. Not only did I and my fellow Liberals, all of whom voted at committee on this bill, originally vote for it, but also the NDP member voted to not further proceed with the bill. Certainly you cannot argue the NDP member was swayed—

● (1845)

The Assistant Deputy Speaker (Mrs. Carol Hughes): I want to remind the member for Mount Royal that he has to address the questions and the comments to the Chair and not to other parties or individual members.

Mr. Anthony Housefather: Madam Speaker, certainly the member cannot argue that the NDP member was not swayed by the witnesses.

Therefore, let us talk about what some of those witnesses had to say. We called all the witnesses for whom all parties asked. We did not ignore witnesses who the Conservatives asked us to call.

What did Rick Woodburn, president of the Canadian Association of Crown Counsel have to say? He said:

> This bill, as it's written right now, is going to cause delay, in our view. Also, it's a higher standard for us at the bail hearing, and we may have issues with regard to proof....What I can say is that as it stands right now, we “may” prove all this. But when you put “shall” prove, it raises the standard. And if we don't prove, which we'll now be mandated to do, they're more likely to be released than not....We have cases that go to the Supreme Court of Canada on placement of a comma. Changing from our “may” to “shall”—what we have to do—is a big leap.

That was from the prosecutors, the people designed to keep us safe.

Rachel Huntsman from the Canadian Association of Chiefs of Police said:

> Although we support the spirit of Bill S-217....Following careful consideration and analysis of this bill, we believe that the amendments, in particular the amendment to paragraph 518(1)(c), may cause confusion, create added delay, and impose challenges upon a bail system that is already operating at full capacity. Instead of strengthening the bail provisions, we fear that these amendments may create a result counterproductive to what the bill is hoping to achieve.

We heard from Dr. Cheryl Webster who said that it struck her that it:

> ....is going to add to court delays.....higher evidentiary burden....Any additional time taken during the bail process puts cases even closer to being thrown out for violation of the constitutional right that an accused be tried within a reasonable amount of time.

Dr. Anthony Doob, professor, University of Toronto, said:

> ....one cannot legislate away human error....proving that a specific accused person before the court has a criminal record takes substantially longer than the seconds it might take to print it out.
>
> The bill that you have before you will expand the bail process for everyone at a time when almost everyone agrees that court delay is a problem.

Ms. Nancy Irving, the person charged with writing the report to the Alberta government, said:

> I share the concern that this new language could turn bail hearings into mini-trials. That would certainly make bail hearings longer, and it would likely contribute to further delays in a system already struggling to cope with the volume of bail cases and the new time requirements set by the Supreme Court of Canada in R. v. Jordan, which were released last summer. At a minimum, I think it's reasonable to anticipate that the meaning of this new language will be litigated, perhaps all the way up to the Supreme Court of Canada, before we receive judicial guidance. That could take years. In the meantime, the crown's standard of proof will be uncertain.

The Government of Ontario said:

> ...changes to section 518(1)(c) of the Code undermine prosecutorial discretion and could significantly lengthen and complicate bail hearings. Bill S-217 is at odds with general trends in bail and is contrary to ongoing efforts to achieve justice efficiencies.

It concluded by saying, "Ontario is of the view that Bill S-217 is contrary to ongoing federal and provincial efforts to achieve important gains in criminal justice, including increasing justice efficiencies."

The Canadian Bar Association said, "The CBA Section does not support passage of Bill S-217. We believe it is constitutionally vulnerable, unnecessary and contrary to current efforts to improve justice and justice efficiencies."

Finally, if we take a more conservative government, let us take the Government of Saskatchewan. It says, "With respect, Clause 1 is unnecessary—

Mr. Michael Cooper: You can mislead and misrepresent and misdirect us all you want, Anthony, it doesn't make it true.

The Assistant Deputy Speaker (Mrs. Carol Hughes): Order, please. For the hon. member for St. Albert—Edmonton, I have already indicated that the member who is speaking is afforded the opportunity to have the respect of the House and to have the attention of the House. I understand this is a passionate issue and an emotional one as well. However, although people have differing opinions, we are here to debate issues, and that is what is happening right now.

The disruptions would not be allowed in a court of justice and they are not allowed here either.

The hon. member for Mount Royal.

Mr. Anthony Housefather: Madam Speaker, I was quoting the Government of Saskatchewan, which stated:

> With respect, Clause 1 is unnecessary as what it encompasses is already dealt with in practice through sections 515(10) (a) to (c). Setting out offenders' failing to appear history or whether they had pending charges, and if so what they were, are already provided to the court through submissions under those provisions.
>
> Although I appreciate the concept behind the Bill is a good one, the effect of Clause 2 in particular will both significantly interfere with prosecutorial discretion and increase case handling time for every custodial matter, in my view. In our jurisdiction, prosecutors only on the rarest of occasions actually lead evidence. Rather, almost all bail hearings are conducted through the submission process during which Crown Attorneys and then defence counsel make submissions regarding the circumstances of the offence, prior history of the offender, and what if any other charges are before the court. No viva voce evidence is usually called, nor are strict rules of proof engaged.
>
> The Bill's wording, however, would require prosecutors to do so. Prosecutors will also have to "prove the fact" the defendant has a criminal record, is awaiting trial, has a record for failing to appear, or must comply with bail conditions. The Crown will be compelled to provide this information and this interferes with prosecutorial discretion. Moreover, because virtually all of this type of information is currently provided to the court by way of submission only, proof of fact will require the tendering of evidence which will add significant case handling time for every matter appearing on our custody dockets.
>
> With Jordan and its implication for as speedy a resolution as possible for criminal matters, every moment we can spare for trial matters is time worth preserving.

I went to these hearings in the justice committee with a very open mind. I had acknowledged my respect for my colleague from St. Albert—Edmonton by voting for the bill at second reading and to send it to committee. I thought the concept itself was worthy of being heard and discussed. However, in the end result, the evidence provided by the totality of the witnesses said that while this was a great idea in theory, it did not work in practice.

We as a committee urged the Minister of Justice to find a different way to ensure, and we sent a letter to her to this effect, that this evidence be introduced at all bail hearings in a way that did not slow down the justice system or increase the burden of proof that may make our streets less safe.

● (1850)

[*Translation*]

Mr. Matthew Dubé (Beloeil—Chambly, NDP): Madam Speaker, as I did at second reading, I would like to reiterate how hard it is to face a difficult issue like this, given the tragic circumstances surrounding the death of Constable Wynn.

Every one of us in the House recognizes that this kind of tragic event, a murder, comes to us and strikes at the heart of the work we are trying to do to improve things. In this sense, I would like to thank the hon. member for St. Albert—Edmonton for his efforts. He urged us to hold this debate, even though it is an extremely difficult and very emotional one.

[*English*]

It goes without saying that getting involved in political life on an issue, going to a parliamentary committee, and so forth, is already difficult enough for anyone. I certainly admire Constable Wynn's widow who had the courage to appear before the committee. I think all my colleagues would share that view.

We appreciate the opportunity to have been able to discuss this fundamental issue. I want to thank my colleague from St. Albert—Edmonton for putting us on a path to try to fix this issue, regardless of whether we agree or disagree on how to fix it.

[*Translation*]

One of the first things we have to realize is that we are living in a new reality, especially when it comes to justice-related issues. That is the reality of Jordan.

Whether it is in a case like this or another one, we can see that Jordan has created a new reality in terms of the administration of justice and of delays. This reality threatens public safety. Not only do delays impose a heavy burden on the justice system, but they also sometimes result in the release of persons accused of horrific crimes, as we have seen in Quebec. It is not something we want to do. None of us wants to see this happen.

With that in mind, we have a responsibility to study bills in a robust and meaningful way. That is why I was very pleased to support the bill at second reading. I encouraged my colleagues in the NDP caucus to do the same thing. This is an important debate. We need to create a new reality in the justice system so that these kinds of events do not happen again.

[*English*]

To that end, the first big step that was taken was the work done by Nancy Irving in the report that she worked on to try to enure this kind of tragedy did not happen again. The member for Mount Royal quoted from it. For me, that was part of the testimony that was the most compelling, given how closely she had worked on trying to fix the problems that led to this tragedy.

I will read her comments into the record. She said:

> I share the concern that this new language could turn bail hearings into mini-trials. That would certainly make bail hearings longer, and it would likely contribute to further delays in a system already struggling to cope with the volume of bail cases and the new time requirements set by the Supreme Court of Canada in R. v. Jordan, which were released last summer.
>
> At a minimum, I think it's reasonable to anticipate that the meaning of this new language will be litigated, perhaps all the way up to the Supreme Court of Canada, before we receive judicial guidance. That could take years. In the meantime, the crown's standard of proof will be uncertain

● (1855)

[*Translation*]

Regarding the administration of justice, we must also consider the provinces' role. Frankly, I do not like injecting partisanship into such a debate, but when the attorneys general of Ontario and Saskatchewan, two very different provinces ideologically speaking, make the same observation that this could cause problems for the administration of justice and undermine efforts to achieve our common goal of ensuring public safety, I think we should take a moment and think about it.

I am therefore putting the ball right back in the government's court. As the committee chair and member for Mount Royal just said, a letter from the committee was written and recommendations were made through the motion. This letter turned out to be essential, since the Minister of Justice has an enormous amount of work to do to ensure that justice officials and prosecutors have the necessary resources to fix this problem, even though the bill does not appear to be the best solution.

This is exactly what we are seeing in Quebec with judicial appointments. We are also seeing it in other jurisdictions where they have other problems with resources and the administration of justice. We have not managed to deal with the new reality of the Jordan ruling. This means that there is a lot of work to do. We hope that the minister will be motivated by the excellent work of my Conservative colleague and by the fact that we all recognize the importance of ridding our society of this scourge and this kind of tragedy. I do not doubt her intentions, but let us be honest: after 18 months, it is time to act.

Therefore, despite this difficult file, we are using this opportunity to point out just how important it is for the minister to acknowledge this issue and the testimony heard in committee, particularly from Ms. Wynne. She clearly explained the human cost of government inaction and our collective responsibility to make sure not only that our court system respects our law-based society, but also that we keep in mind respect for victims. We are trying to achieve several things, and in this respect, I believe it is a healthy, although extremely difficult debate.

[*English*]

This is not something I wanted to raise but I want to acknowledge how difficult this discussion has been. I do not think the motion has to be the end of the debate. We need to re-examine how we can find the proper solution to this problem and ensure we do not create a situation, involuntary though it may be, where dangerous offenders, because of the new reality that the justice system has to cope with among other things and because of the Jordan decision, are allowed back on the streets. That would go exactly counter to what we are trying to achieve when we are debating the motion and the bill it stems from.

I want to end my comments by once again saying how much I admire the courage of Constable Wynn widow for sitting in front of committee, for sharing her experience, and for pushing us all to do better in taking on these challenging issues.

I also thank the member for St. Albert—Edmonton.

Even though I said it in French, and with all due respect to our interpreters, I want to say it again in English. I hope the Minister of Justice will read the *Debates* and the letter from committee. Most important, I hope she will think of the victims and the human cost of the lack of action on fixing the justice system, which seems to be more and more broken in some ways, and ensure we can achieve an objective of increased public safety, and, most important, no longer see families broken apart by this kind of despicable violence.

● (1900)

Mr. Kevin Waugh (Saskatoon—Grasswood, CPC): Madam Speaker, normally I begin my remarks by, in some form or another, stating how grateful I am to stand in this place and make my voice heard on a certain topic. Tonight, however, given the justice committee's recommendation that Bill S-217 not proceed further, I will be honest and say that I am deeply disappointed with the decision.

The committee members heard witness after witness testify that there are flaws in the bail system in this country. It has not kept up with the times, and as a result, known criminals are walking Canadian streets, probably in every community, out on bail.

Perhaps Bill S-217 did not fix the entire bail system, but at least it was a first step, a step the justice department appears to be unwilling to take, which is really shameful.

For those not familiar with the situation that precipitated the drafting of the bill by Senator Runciman, l will give a little background. I do not want to go into the details, but it was on the night of January 17, 2015, that RCMP Constable David Wynn and Auxiliary Constable Derek Bond were on a routine inspection of licence plates outside a casino in St. Albert, Alberta. This could have happened anywhere. During that inspection, they discovered a licence plate that was connected to an individual for whom there was an arrest warrant. As a result, Constable Wynn and Auxiliary Constable Bond entered the casino to arrest the individual. Before they could arrest the individual, who turned out to be Shawn Rehn, shots were fired. Auxiliary Constable Bond was shot, and tragically, Constable David Wynn was shot and later died in hospital.

Any time an individual is murdered in this country, it is a tragedy, but when a police officer is murdered in the line of duty, it is not only a tragedy, it is an outrage in this country, from coast to coast to coast. What makes the murder of Constable Wynn that much worse is that it was completely preventable, not what the member for Mount Royal said earlier in this place. This murder could have been prevented. David Wynn could have been a husband tonight. He could have been a father to three children. He could still be a member of our valued RCMP.

It is not if this happens again but when it happens again.

Constable Wynn's killer was out on bail at the time. He was out on bail, notwithstanding the fact that he had more than 50 prior criminal convictions, including convictions for weapons offences and multiple violent offences. On top of the 50 prior criminal convictions, he had at least 38 outstanding charges, and to top it off, he had numerous failures to appear in court, yet there he was, out on the street in the community of St. Albert, unbeknownst to the public.

I should add, of the 130 members working at the casino, and everyone was distraught over this event, two members are still not back at work at the casino in St. Albert, Alberta.

Let me get back to the justice committee meetings for a moment. The members heard expert testimony on the subject of bail. Let me just give a snippet of what the members heard. Dr. Cheryl Webster, associate professor, University of Ottawa, testifying as an individual, said, “We're not short of evidence that bail in Canada is broken”. Bail in Canada is broken, not damaged, broken. We can improve broken bones and get them re-set. We can fix a broken car or even a broken window, but a broken bail system, not so much. It is too time consuming, too costly, we hear, and we can always explain away the odd mishap as human error.

Mr. Jay Cameron, barrister and solicitor, Justice Centre for Constitution Freedoms, said:

> I will conclude by saying this. Some people say that this is only symbolic. It's not symbolic. There was a tragedy that occurred, and it was the result of a flaw in the legislation. Only a fool would say, “I'm emotional about the tragedy, therefore, I'm not going to fix the flaw.” The problem is that there is a flaw. Fix the flaw and you won't again have more tragedies that result from it. That's the point.

● (1905)

Mr. Cameron's point is well taken by the official opposition party, my party, but unfortunately, not by the government. We understand the need to revisit the bail conditions in this country. Here we have it. The bail system is broken, and no one, certainly not the justice department, appears to be able or willing to fix it. Is that not shameful? Bill S-217 attempts to plug one gaping hole in the system, and all we hear is that it is going to take too much time for the bail hearings, that the Canadian Police Information Centre is not up to date, etc.

On June 6, just last week, I received a letter from the Saskatoon Police Association, from its president, Dean Pringle, and its secretary, Bill Bergeron. They were writing to express their strong support for Bill S-217. They pointed out that the oversight could be corrected with just two simple common-sense changes to the Criminal Code. Number one would be adding two new grounds under which an offender could be detained in custody, specifically, when the accused has failed to appear in court in the past and the accused has previously been convicted of a criminal offence or has been charged with and is awaiting trial for another criminal offence. Second and most important, and this is the key to this bill here tonight, would be replacing the word “may” with “shall” to require prosectors to introduce evidence of the accused's criminal record, or failure to obey court orders in the past, or other criminal charges for which an offender may be awaiting trial. Replace the word “may” with “shall” and think about what it would do for all our police officers in this country.

It is a similar position taken by the Canadian Police Association, the national voice for 60,000 police personnel who protect everyone in this country. Its president, Tom Stamatakis, has offered full support for this bill. He said, “Allowing prosecutors to introduce evidence of an accused's criminal history during a bail hearing is just common sense.” This legislation would not remove the discretion of judges when they are granting the bail. It just means that those judges would have all the relevant facts at hand when they make the important decisions.

This is a straightforward bill that would help keep Canadians safe and would provide prosecutors with more tools to detain high-risk individuals pending trial.

Some members would have us believe, as we heard here tonight from the government, that this bill would add more delays. That is not factual. What is factual is that it would save lives. As legislators, we must stand by our police in this country, who put themselves in harm's way each time they put on their badges.

Shelly Wynn is here, as she was in the past when Bill S-217 was debated. I want everyone to know that she is here, and I cannot help but feel her sorrow.

On March 8 this year, all the opposition parties in this place recognized the merits of this bill, Bill S-217. That was probably the most emotional night we have had in this House of Commons since we opened. I am going to give credit, because 28 members of the government caucus voted for the bill, against their party line. They were in favour of referring it to the justice and human rights committee. Obviously, the yeas had it that night, and Bill S-217 was referred to the committee. I wonder tonight if those same Liberal members will maintain the courage of their convictions and vote against the committee's recommendation or if they will simply toe the party line.

Finally, I would like to commend Shelly Wynn and her family for their commitment to seeing a better bail system in place for all Canadians; Senator Runciman for taking the lead in getting this legislation drafted and shepherding it through the Senate; and my friend and our colleague, the member for St. Albert—Edmonton, who has steadfastly moved this legislation through this place. They have all done a wonderful job, and they deserve to be recognized for their dedication to this worthy cause.

● (1910)

Mr. Colin Fraser (West Nova, Lib.): Madam Speaker, I am pleased to address this issue tonight, but it is not lost on me the passion many feel about this issue. It is a very important issue our House has considered and sent to committee. I want to say first that when I first learned of Bill S-217 and took my time to understand it, in a good faith effort, I knew there were some elements of the bill I did not agree with, but I thought the overall intention of the bill was noble and that the sponsor in the House was bringing it forward for the right reasons. I thank him for doing that.

In the same light of a good faith effort, it was passed at second reading to send to committee so we could study it further, hear from experts, and hear from those who every day deal with the bail system in Canada so we could understand better what impacts and consequences the bill may have that were not apparent, perhaps, at first reading of the bill. I hope that same courtesy will now be extended to those who listened to the testimony at committee and arrived at a different conclusion.

I voted in support of this at second reading, despite concerning elements in the bill, because I wanted to have the opportunity to study it in full. On the same night this was passed at second reading, we also voted on another bill, Bill S-201, the Genetic Non-Discrimination Act. That matter came before committee, and it was concluded by members of all parties to proceed with that bill, because it was good public policy.

The purpose of committee work is to go through a bill in a thoughtful, deliberative manner, listen to experts, have thoughtful discussions, ask good questions, and then come back to the House and make recommendations. That is what we are doing with the bill tonight.

I want to highlight that the essential element of the bill, as I saw it, was, in section 518 of the Criminal Code, changing the permissive "may" to the requirement "shall" lead evidence. That was the essential element. There were other provisions in the bill, however, that I totally disagreed with, because they were not the intention of the bill as I understood it. I appreciated the conversations we had across party lines to realize that the essential element of the bill was changing "may" to "shall".

How did I approach this bill at committee? I looked at it as an opportunity to shine a light on our bail system in Canada, to understand the essential elements of the bill, and to then, based on the expert testimony, decide whether it was good public policy. One of the thoughts that came to mind throughout the testimony we were hearing was what applies to doctors: do no harm. I thought that was an important way to look at the bill. If we were changing our bail system and how it operates, we should do no harm.

I went in with an open mind and listened to witnesses with different perspectives on the justice system. The experts in the field dealing with bail hearings were the most important to listen to in deciding how we would go forward with this. I went in with an open mind, but I went in with the idea that we must do no harm.

The witnesses offered compelling testimony. I want to highlight, first and foremost, Shelly Wynn. Her testimony was heart wrenching, compelling, believable, and trustworthy, and I extend nothing but thanks to her for her courage in coming to our committee and for all the work she has done in highlighting the issue of bail in Canada.

● (1915)

We also heard from a number of experts. We heard from the Canadian Bar Association, the Ontario Provincial Police, Newfoundland police, Canadian Association of Chiefs of Police, Canadian Association of Crown Counsel, defence lawyers groups, and individuals who have expert opinion to give on our system of bail in Canada.

All of those individuals came to the same conclusion and gave evidence based on the same rationale that this bill would do harm, would actually make our streets less safe, not more safe. The intention of the bill is to, as I understand it, close a loophole in the law to ensure that we are not allowing people out on bail who should be behind bars. The unintended consequences of this bill, however, would have exactly the opposite effect. It would make our streets less safe. It would put people out on the street who should otherwise be behind bars. Do not take my word for it. This was the expert testimony that we heard from police groups, the Canadian Bar Association, the Canadian Association of Crown Counsel, defence lawyers, and individuals who deal with this stuff every day and do not always agree on issues every day.

I want to go now through some of the issues that were raised. The first one is the possibility that this bill, in changing "may" to "shall", leaving aside all of the other problematic elements in the bill, could have the possibility of raising the burden on the crown. At committee, Rick Woodburn, the president of the Canadian Association of Crown Counsel, stated:

> ...if you make us prove it, our onus goes up; it doesn't go down. Keeping the individuals you want to keep off the street is harder, not easier.

This is the person who represents Canadian crown prosecutors, who deals with these issues every day.

Superintendent David Truax, the detective superintendent of the Ontario Provincial Police, stated:

> Some of the language in the bill obviously proves the fact that...could obviously require the prosecutor to call each and every individual officer to prove each and every individual fact. That obviously would cause strain on policing resources, requiring more...witnesses, more documentation, certified documentation, affidavits, and the like.

Nancy Irving, who was chairing the Alberta committee reviewing the bail system in that province, indicated that the crown burden of proof will be uncertain under years of litigation.

With regard to the issue of delay, I think this was most compelling for me and the most convincing as to why this would be problematic because, in the end, after hearing all of this expert testimony, it was pretty well incontrovertible that there would become mini-trials at bail hearings. This is not a matter of a couple of minutes to get a criminal record. That is not the issue. There are several steps that have to be gone through in a bail hearing, one being the circumstances of the offence being presented to the court. This would cause uncertainty in our bail system. This would cause added resources, added court time, and not a matter of minutes, but delays in bail. People would have to set over bail hearings, perhaps. What would happen in the meantime to those who are supposed to have timely access to bail hearings?

I want to now talk on the issue of delay. Rick Woodburn said the following:

> Bail hearings don't take five minutes. They take somewhere between half an hour and two hours, on average. That's for a bail hearing where you just pass information up, hear from a surety, and hear some evidence—about two hours.

If this bill passes, bail hearings will double and triple in time, and it is not necessary.

My colleague across the way just referenced Dr. Cheryl Webster a moment ago in support of his conclusion. He should take her word then when she said the following:

> ...[it] stuck me...[that it is going to add to court delay with] the higher evidentiary burden.... Any additional time taken during the bail process puts cases even closer to being thrown out for violation of the constitutional right that an accused be tried within a reasonable amount of time.

Professor Anthony Doob stated:

> The bill that you have before you will expand the bail process for everyone at a time when...everyone agrees that court delay is a problem.

The Canadian Bar Association echoed the same comments.

I think it is important for us, in a good faith effort in reflecting on this bill, to understand that bail review does need to happen. Our government is committed to doing that. We are committed to working with all sides of the House to make that happen. This bill would not achieve its intended aims.

● (1920)

Mr. Bob Zimmer (Prince George—Peace River—Northern Rockies, CPC): Madam Speaker, I want to start off tonight by thanking the member for St. Albert—Edmonton for putting his heart in the cause.

I think a lot of us have heard the story about Constable Wynn and the family he left behind. His dear wife sits in this place tonight listening to our debate, which actually makes it a little more difficult to talk about, because sometimes this place is filled with a lot of words. However, tonight these are powerful words that have impacted somebody's life and will impact lives in the future.

Bill S-217 is asking for something very simple. However, I think the governing party is trying to mislead this place by making it something more complicated than it really is. For instance, “may” and “shall” refer to two different things. The term is “may...lead evidence”, which we would change to “shall...lead evidence” or shall present evidence. There is no aspect of this that would require proof. It talks about presenting evidence, to demand that evidence is put before the court in these kinds of cases.

I want to talk about an article in the *National Post* about the person who shot Constable Wynn, and I will go over some of the details.

> ...details a lengthy list of 57 convictions, starting in April 1999 when he was ordered jailed for two months for theft and break and enter.
>
> In the years that followed, when Rehn wasn’t serving time, he was racking up convictions in Edmonton, Calgary and the smaller communities of Evansburg and Drumheller.
>
> They were for assault, assault with a weapon, drug possession and possession of prohibited firearms. He obstructed a peace officer, escaped lawful custody and drove while disqualified.
>
> He also was convicted for breaking and entering, theft and possession of stolen property.
>
> Parole Board Of Canada documents show Rehn served two federal jail terms as an adult.
>
> The first was a two-year sentence for possession of stolen property and driving while disqualified. The second was for three years on charges including escaping custody and possession of a loaded prohibited weapon.
>
> Collectively, he was sentenced to serve more than 12 years in custody, but it’s not clear how much of that time he actually spent behind bars.
>
> On the day he died, [the criminal]...was still facing 30 charges for four separate offences, including fraud, resisting a peace officer, escaping lawful custody, possessing a prohibited firearm, failing to appear in court, failing to stop for police, dangerous driving and multiple charges of breaching bail conditions.

Somebody mentioned that there were more than 50 convictions, but there were 57, and all the member for St. Albert—Edmonton is asking is that this evidence be put before the court when bail is being granted or discussed. To look elsewhere is absolutely a breach of justice for the Canadian public, to overlook those 57 convictions.

The opposition has the victims bill of rights on our side, which was one of the proudest moments of our government when I first arrived here in 2011. The victims bill of rights is something that recognizes victims and their meaningful place in these court cases in our justice system, because it is a system that often seems to overlook a victim. As soon as people are victims, as soon as they pass away or are gone, they are discarded and not even accounted for in terms of the case. It seems they do not matter. It feels as if they do not matter.

We have heard the other side say that they care about justice, that they care about Constable Wynn's family, and these kinds of issues. This is one of hundreds of issues across this country where these kinds of previous convictions are not taken into account in bail hearings, and they need to be. We absolutely need these cases and previous convictions brought before bail hearings so that these guys and ladies remain behind bars, where they should be.

● (1925)

Sometimes, unless it is happening next door or it is a personal issue, where a family member of ours is involved in a particular case, there is a distance there.

The government has supported this legislation before. I would challenge the government members to put themselves in that seat up there, where the wife of Constable Wynn is sitting. They should put themselves in that seat up there. Her husband is never coming home. I challenge the other side to do this very thing, to put themselves in the place of the family members who are left behind because somebody is out walking the streets with 57 convictions and multitudes of others.

I heard of one case where there are 150 previous convictions and yet this person is still walking the streets committing crimes in our country. How is that even possible? It is possible because there is a clause that says "may" instead of "shall". If we put this clause into our justice system that says "shall...lead", shall produce evidence or "shall...lead evidence" of previous convictions, I think we could greatly reduce the number of people walking the streets who really should not be, for our own safety, for the safety of the members on the government side, and for their kids' safety, as well.

Again, I am going to challenge the government side that was supportive of it. The members voted for it before and I challenge them to vote for it again, and support our justice system in Canada. We can make it a justice system again, not a legal system. There are too many stories of people getting hurt. They are not coming back. They disappear off the record. Victims often do. After the funeral and all things are said and done, the niceties that have been said and exchanged, people like the Wynns have to go back to living their lives without the patriarch of their family.

This simple wording change would help Constable Wynn and those like him who go out to do justice for us on a daily basis. They go out and have to deal with these types of individuals on the street. It would give them a better chance of coming home at night.

I see members on the other side shaking their heads. I see people smiling and having great conversations, but this is actually some serious legislation that we are discussing tonight. For me, I would appreciate a greater amount of respect for the issue at hand, considering the person who is sitting up in our gallery.

The member across the way heckles me. What I cannot understand, and maybe I will just go to my thoughts, is how this particular member and members with him on the government side, who supported this previously, and who say they are behind the intent of Bill S-217, all of a sudden are completely changed in what they think the intent of this bill is and what it can do and will not do. They are saying that it does not plug every hole, so they are not going to support it. It does not fix everything, including the kitchen sink, so the government members are not behind it now.

For once, maybe the government could put a word in the law that gives the RCMP members a better chance of coming home at night. Why would the government members not even give them a 1% or 2% better chance of coming home at night? The member across the way is shaking his head again. I do not understand it. Why would we not give our legal system a better shot at keeping these guys behind bars, as we should? We are all responsible in this place to do that.

I would call on the government side and other opposition members to seriously consider Wynn's law, as we have termed it, and the fine work that the member for St. Albert—Edmonton has done on this. I say this in all sincerity. We get partisan in this place, but this is absolutely not a partisan issue for us. This is about justice. This is about keeping dangerous people off the streets, so men like Constable Wynn can go home to their wives and children.

I would just challenge this place to do the right thing. Regardless of what our parties think of this, all members should vote and do the right thing in supporting Bill S-217.

● (1930)

The Speaker: It being 7:30 p.m., it is my duty to interrupt the proceedings, and put forthwith every question necessary to dispose of the motion now before the House.

The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the nays have it.

And five or more members having risen:

The Speaker: Pursuant to order made on Tuesday, May 30, 2017, the division stands deferred until Wednesday, June 14, 2017 at the expiry of the time provided for oral questions.

GOVERNMENT ORDERS

[*English*]

INDIAN ACT

Hon. Carolyn Bennett (Minister of Indigenous and Northern Affairs, Lib.) moved that Bill S-3, An Act to amend the Indian Act (elimination of sex-based inequities in registration), be read the second time and referred to a committee.

She said: Mr. Speaker, acknowledging that we come together on the traditional territory of the Algonquin people, I stand here to speak to Bill S-3, An Act to amend the Indian Act (elimination of sex-based inequities in registration).

On August 3, 2015, the Superior Court of Quebec, in its decision in the Descheneaux case, ruled that key registration provisions of the Indian Act unjustifiably violate equality rights under section 15 of the charter, and declared them of no force and effect.

The court suspended its decision for a period of 18 months until February 3, 2017, to allow Parliament time to make the necessary legislative changes. That decision was appealed before the court before the current government took office, but that appeal was withdrawn by this government in February of 2016.

Bill S-3 is the first stage of the government's two-staged response to the Descheneaux decision, and needed broader reform of registration and membership provisions within the Indian Act.

[*Translation*]

I will take this opportunity to thank the Standing Senate Committee on Aboriginal Peoples for its thorough and invaluable work under tight court mandated deadlines. I also want to thank the members of the Standing Committee on Indigenous and Northern Affairs for their understanding regarding the urgency surrounding this bill and for their work during pre-study of Bill S-3.

[*English*]

In keeping with the recommendations of the standing Senate committee, on January 20, 2017, the government sought and was granted a five-month extension of the court's ruling to permit more time to consider Bill S-3. Through the additional time provided by this extension, and the diligent work of the Senate committee, there have been numerous improvements made to the original version of Bill S-3, which have been welcomed and supported by the government.

The bill now proactively addresses further groups impacted by sex-based inequities which were identified by the Indigenous Bar Association. The recent decision by the Ontario Court of Appeal in the Gehl case has also allowed the government to address the issue of unstated paternity by enshrining additional procedural protections in law through this bill.

In addition, I acknowledge the understandable skepticism of first nations and parliamentarians about whether the second stage of registration and membership reform would actually lead to meaningful change. That is why the government proposed a series of amendments to report back to Parliament on a number of occasions and in a number of ways to update members and all Canadians on the progress toward broader reform. Three separate reports to Parliament are now in this legislation to hold the government to account regarding the second stage process, focused on broader reform of registration and membership provisions in the Indian Act.

The bill now would require the government to launch the collaborative stage II consultation process on issues within six months of the royal assent of Bill S-3. The bill would also require that as part of that process, the government consider the impact of the charter and, if applicable, the Canadian Human Rights Act. The requirements for the government to report to Parliament on the design of the collaborative consultation process within five months of the royal assent of Bill S-3, and to report to Parliament on the progress of that process within 12 months of the launch of those consultations are also included in the legislation.

The second report must also include details regarding the 1951 cut-off, the second generation cut-off, the categories for Indian registration, enfranchisement, adoption, and unstated/unknown parentage.

● (1935)

[*Translation*]

The bill also includes a three-year review clause regarding the amendments to section 6 of the act enacted by Bill S-3. The objective of this review is to determine whether all sex-based inequities have been eliminated. The bill also includes a declaration by the government regarding recommended amendments to the Indian Act.

[*English*]

I am committing, on behalf of the government and personally, to co-designing a process with first nations including communities, impacted individuals, organizations, and experts to deliver substantive registration reforms, including potential future legislative changes.

I have spent decades working on the issue of meaningful consultation, and finding ways to ensure that consultation incorporates voices beyond the usual suspects and provides participants with sufficient resources to engage. I can assure members and all Canadians of the government's absolute commitment that this will be a process where the voices of the full range of impacted people will be represented at the table, and which will incorporate a human rights lens.

In stage II, charter compliance will be the floor, not the ceiling, and there may very well be areas of needed reform where no consensus is achieved. The government has made it clear that consensus will not be a prerequisite for action.

However, if the government is to act in the absence of consensus, it only increases the necessity for decisions to be based on a foundation of meaningful consultation, and credible evidence about the potential impacts of reform. We must develop reforms which can be implemented in a way that ensures we have integrity in the system. Balancing the needed time to engage impacted people, through the parliamentary process, has allowed for only two truncated three-month engagement periods, even with the extension granted by the court.

[*Translation*]

There was not enough time to hold significant consultations on reforming Indian registration and band membership under the Indian Act.

Because of the tight court mandated deadline, the opportunity for consultations was limited, and I think it is important to talk about the intended scope of Bill S-3.

[*English*]

The goal of Bill S-3 is to remedy known sex-based inequities relating to registration in the Indian Act, which fall short of charter compliance based on the current state of the law. This is not restricted to situations where a court has already ruled, but extends to situations where the courts have yet to rule, and where we believe a sex-based charter breach would be found.

However, the government has been clear that in circumstances where the courts have ruled policies to be charter compliant, or where situations are more complex than purely alleged sex-based inequities, government action must be based upon meaningful consultation.

● (1940)

[*Translation*]

These issues have to be addressed during the second phase of the reform of registration and band membership under the Indian Act. It is important to note that this second phase will be a collaborative process.

The government must develop and initiate consultations on the broader reform within six months after the passage of Bill S-3, as stated in the bill.

[*English*]

Despite supporting numerous amendments proposed and adopted by the standing committee, the government has made it clear that it cannot support one amendment put forward by Senator McPhedran and accepted by the Senate. The intention of Senator McPhedran's amendment is to provide entitlement for Indian registration to all direct descendants born prior to April 17, 1985, of individuals entitled to status under previous Indian acts, including those who lost that status for whatever reason. In simple terms, this clause seeks to implement the approach commonly referred to as "6(1)(a) all the way".

Although the simplicity of this approach may seem appealing, I would ask all members to consider this position cautiously. While I believe the amendment was put forward with the best of intentions, the way the clause is drafted creates ambiguity as to whether or not it would do what it is apparently intended to do. This ambiguity was highlighted by Senator Sinclair during clause-by-clause at the Senate committee, and by the Indigenous Bar Association at the House committee.

In fact, Drew Lafond of the IBA testified about the wording of the clause, noting, "We cautioned against simply inserting that in its current form...You run into technical problems with the language by simply inserting that into a bill because you run the risk of there being inconsistencies or some unintended consequences with that.

If this clause is interpreted in a way to implement the "6(1)(a) all the way" approach, then it could potentially extend status to a broad range of individuals impacted by a wide range of alleged inequities. This clause would go well beyond the intended scope of Bill S-3, dealing with significant non sex-based registration issues, including enfranchisement, adoption, date of birth, and others. In fact, the amendment seeks to implement the precise remedy explicitly rejected by the British Columbia Court of Appeal in the McIvor decision, where it was clear that this remedy is not required to make the provisions charter compliant.

The Supreme Court of Canada then refused leave to appeal that decision. This does not mean the government will not consider this as a potential approach in the context of a policy decision to address broader registration and membership reform. The government is open to considering this approach through stage II, and may be where it ends up, but we have not adequately consulted with those who could be impacted, and we do not currently have the demographic information to understand the practical implications of implementing such an approach.

While arguing in the Senate committee for the need for further engagement on this clause, Senator Sinclair made that point noting: "The question becomes what impact will that have upon First Nation government. That is not a question we have the answer to..."

While the government is initiating that work now, preliminary estimates are not based on reliable data, and contain huge ranges of potentially newly entitled individuals, from 80,000 to two million. Highlighting these numbers is not to suggest either end of the spectrum is what the likely impact would be, but to note the huge range of current estimates and the need for better data.

[*Translation*]

In addition to the current lack of understanding of the practical implications of such an approach, it seems obvious that the necessary consultations were not held.

Many communities expressed concerns that this approach could have serious repercussions for them.

[*English*]

Communities could find themselves with huge numbers of new members with little or no connection to their community and without meaningful prior consultation. I want to understand the perspectives and concerns of vast numbers of potentially impacted people who have not yet been asked their opinion on the "6(1)(a) all the way" clause.

I want to be clear that I stand in solidarity with the indigenous women who have been fighting on all of these issues for decades. I hear their pain, the hurt of receiving a letter in which they were told that their marriage made them a white woman.

Whether courts have determined these remaining issues as charter issues or not, I want to be part of fixing these ongoing problems. I want to know from the people who have been advocating and studying these issues for a very long time whether this approach is the one we should take and if so, whether this clause is the best way to implement that approach.

We must be careful not to repeat the mistakes of the past where, even sometimes with admirable intentions, policies are implemented absent proper consultation or evidence and result in dire, unintended consequences. I want to work with communities, impacted individuals, and experts to ensure that we finally get this right. The concerns expressed by many about the drafting of this specific clause show how easy it is to get this wrong if it is rushed.

● (1945)

[*Translation*]

As many members already know, the deadline for passing this bill is July 3rd.

[*English*]

If we do not have legislation passed that addresses the Descheneaux decision before July 3, the section struck down by the court will be inoperative in Quebec. The practical implication would be that these provisions will then become inoperative within Canada as the registrar would not be in a position to register people under provisions found to be non-charter compliant.

Ninety per cent of status Indians are registered under the provisions struck down by the Descheneaux decision. These applicants would then be unable to access benefits that come with registration and membership. In addition to up to 35,000 individuals waiting for their rights to be granted through Bill S-3, we cannot lose sight of the thousands of individuals who would not be able to register if the court deadline passes and the provisions noted above become inoperable.

[*Translation*]

I urge all members to act responsibly and to take into account the urgency with which we must act to pass this bill.

[*English*]

I ask all members to send the bill to committee swiftly so that it can be amended and sent back to the Senate in a form that delivers on the rights of 35,000 people now, and allows the government to begin the broader reform in a way that respects our duty to consult, international documents such as the United Nations Declaration on the Rights of Indigenous Peoples, and the need to get this right through the stage II process.

If this clause is interpreted in a way that implements the "6(1)(a) all the way" approach, then it could potentially extend status to a broad range of individuals impacted by a wide range of alleged inequities. This clause would go well beyond the intended scope of Bill S-3, dealing with significant non-sex based registration issues, including enfranchisement, adoption, date of birth, and others. In fact, the amendment seeks to implement the precise remedy explicitly rejected by the B.C. Court of Appeal in the McIvor decision where it was clear that this remedy was not charter compliant.

I ask again that the House send the bill to committee now so that we can amend it. Then we can begin this very important work of stage II where we can get rid of all the inequities in the Indian Act, once and for all, and finally get this right.

Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC): Mr. Speaker, the minister talked about the importance of consultation as she moved forward with phase two, and talked a bit about a truncated process. The government has regularly and consistently talked about consultation being important. In her speech she talked about having meaningful consultation beyond the usual groups that she would engage with.

I want to quote from Mr. Descheneaux who was the plaintiff. On November 21, 2016, he said this with respect to the government having tabled legislation in the Senate:

> ...we've never been called or asked which way we saw that stuff....
>
> That's the part I find funny. After, I understood from the judge's ruling that they wouldn't be in consultation. I was thinking that they would come to the band and meet us, and say that they're going to go that way, or they're looking to go this way. It doesn't seem to be like that. I don't feel great with that, and I guess the chief and the lawyer don't either.

The government introduced legislation in the House and did not even have the respect and courtesy to talk to the person who had brought that case forward. Therefore, how can anyone have confidence in the minister's phase two process when there was such a dismal gap in phase one?

● (1950)

Hon. Carolyn Bennett: Mr. Speaker, from the time that we lifted the appeal on this to the time it was tabled in the bill, I had been under the understanding that Mr. Descheneaux and the family had been consulted. When I heard that testimony in the Senate, I was appalled and called Mr. Descheneaux.

These are the learning moments. As a minister, and a department, "meaningful consultation" means that we have to deal with the people who are impacted by this decision. At that time, it became clear to me what the impact was if we did not get on with this. Kids will not be able to go to post-secondary school, even though they have the rights that the court has awarded, if we are not able to get this through the parliamentary process. I think that these two truncated consultations are not good enough to deal with the other issues.

However, I thank the member for raising this, because it really did point out to me and my department that we need to do better. We believe that since November we have taken this very seriously.

[*Translation*]

Mr. Romeo Saganash (Abitibi—Baie-James—Nunavik—Eeyou, NDP): Mr. Speaker, I would like to thank the minister for her presentation on the bill before us, which originated in the Senate.

I find that there are some troubling aspects in her presentation.

[*English*]

I think the minister understands my total, absolute, and profound disdain for the Indian Act. I have said that before in public. I have said that in committee. I have said that to her as well.

What is troubling in that presentation is that the minister claims that the government cannot go forward with some of the amendments being proposed by the Senate, in particular the amendments that were suggested by Senator McPhedran, on the basis that we do not know the consequences. The minister seems to suggest that those human rights violations can continue to wait because it is a question of human rights and dollars. I am a bit troubled by that position.

I want to reiterate this for the record. In my view, she made reference to the concerns that were expressed by Senator Sinclair. However, I want to remind the House and the minister that Senator Sinclair voted in favour of the amendments that are before us today.

Mrs. McIvor wrote to the senators with respect to the amendments. She states:

> ...I take fundamental exception to this argument. Indian bands and communities have no legitimate say in whether the Government of Canada continues to discriminate against me and other Indian women because of our sex. The Government of Canada has an obligation under constitutional and international law and a fiduciary duty not to discriminate on the basis of sex, whether Indigenous bands and communities agree or not. By now most Indigenous bands and communities do not wish to see discrimination on the basis of sex continue.

I think that is a strong statement from one of the people who has been fighting these issues over the years. I would like the minister's comment on that.

Hon. Carolyn Bennett: Mr. Speaker, I thank the member for his ongoing advocacy. There is no place for a consultation on what is a charter right. A charter right is a charter right. I would correct the member that Senator Sinclair voted against, in clause by clause, the amendment by Senator McPhedran on 6(1)(a) all the way. He voted for the bill, to bring it to the House, but he did vote against that clause.

Obviously, Madam McIvor's advocacy is very important, but it is so important that we get it right. Because the B.C. Court of Appeal voted that extending 6(1)(a) all the way was not a charter right, it is, therefore, a policy issue. We need to make sure we get this right and that we are able to deal with this in a comprehensive way so that we finally stop making mistakes and ending up back in court, back in the House. We want to get all the discrimination, disenfranchisement, adoption, all of these issues where the Indian Act is not dealing with people fairly, and correct them.

● (1955)

Mr. Dan Albas (Central Okanagan—Similkameen—Nicola, CPC): Mr. Speaker, I certainly appreciate the minister's presentation here tonight and making herself accountable to this chamber. I think that is important.

I am simply going to ask her about the consultation process. Obviously, they are moving forward with phase two. She has said that they are looking to course correct. However, I would ask the minister if she has gotten to the root of the issue. There seems to be a problem with consultations within her own department. At some point one either says, "We're going to consult on consultations," or one says, "We know what the problem is and I, as the minister, am going to fix it."

I have been to Prince George. I have met with the chiefs. They have said that they were not consulted on the moratorium on tanker traffic off the B.C. coast and they were upset with that.

The minister continues to come to this place, and as the responsible minister, at some point, she is going to have to present a credible road map on how consultations need to be. What actions is she taking with her department? Who is she holding accountable, and if not, is there going to be a broader effort to reach out and to find out what is wrong in this area of consultation?

Hon. Carolyn Bennett: Mr. Speaker, I think acknowledging our mistakes in the past is the reason we put these additional amendments in the bill, where we will be reporting back to Parliament on the design of the consultation to show who we have talked with and the advice we have received in a completely transparent way. Then we will launch the consultation and report back to Parliament again, 12 months later, to show Parliament the progress we have made on the consultation before we table another bill.

Mr. Dan Vandal (Saint Boniface—Saint Vital, Lib.): Mr. Speaker, first, I congratulate the minister for her leadership on many files in indigenous affairs, but specifically, for withdrawing the appeal by the previous federal government against the Quebec Court of Appeal so that we can find solutions to this.

There are impassioned arguments for a much broader reform for registration and membership under the Indian Act. Many argue that Bill S-3 would not go far enough. I know this is only the first stage of our response, the government's response, to the Descheneaux decision. Would the minister explain what is anticipated in stage II of the plan?

Hon. Carolyn Bennett: Mr. Speaker, I think the main thing about stage II is that the process will be co-designed with first nations, including communities, impacted individuals, organizations, and experts, to be able to design a process that will lead to the substantial reforms, including advice on potential legislative changes. It means that we will come back with what we have heard and what we are planning, in terms of co-designing that process. Then we will launch it within six months and report back here 12 months after that. We believe we can get this done in 18 months.

Again, it is about our making sure that the future reforms are able to maintain an integrity to the registration system. However, I must tell the member that, eventually, we do not think it should be my department registering or determining who is a member or who has status. Eventually, first nations, Inuit, and Métis will determine that for themselves.

Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC): Mr. Speaker, I rise today to speak to Bill S-3, an act to amend the Indian Act, elimination of sex-based inequities in registration. Right off, I should acknowledge that perhaps the title is in error. I am not totally convinced that everything in the bill performs that function.

I want to make a special note. The court decision was a long time ago. We have a deadline of July 3, and this is the first hour of debate in the House. We know this sitting is coming to an end, we have a court deadline, and, to be frank, the opportunity to give this very important matter the due diligence it deserves is lacking. We have less than a month to ensure the bill responds to the Descheneaux decision.

I will put a personal face to this. I want to share my story with Canadians. Many Canadians may not understand the very complicated issue of registration and membership. I beg the indulgence of the House to go back into my history.

I grew up in an urban community, graduated as a registered nurse, and was asked to go to a semi-remote first nations community to be its nurse. That was in 1983. It was quite a large community, an interior Salish community, and I had an opportunity to work in it.

One day a community a health representative told me that everyone wanted me to visit one of the elders. I was not supposed to visit her because she did not have status anymore because the government had said so. I will call her Margaret as I do not want to share her real name.

Margaret was 80-plus years old. When she was young, she had fallen in love with someone who lived in a nearby community, married him, and her husband was tragically killed. Not only did she lose her status as an Indian, but she lost her husband and was left in complete limbo. In this case, the community welcomed her home, but that was not always the case. The people brought her back to their community and provided her with housing. This elder spoke the language beautifully, she wove beautiful baskets, and was an incredible person and support. She was very respected and looked up to, but she always had the issue of not being part of the community because of her decision to marry someone from another community.

It was not just her feeling of not being part of the community. I was told that although I should not visit her because she was not officially part of the community, they really wanted me to she her. In their hearts, everyone knew she was part of them and their community. Her benefits, her ability to get medication, to travel were affected by her status. She had health issues and at times would have to go to a larger centre. She was excluded from those simple measures. At the time, it seemed terribly unfair that this well-respected elder was stripped of her status.

For people to understand, it takes a bit of a history lesson.

I am going quote a Canadian lawyer, Alison Gray, who talked about the changes over time. She said, "Throughout the history of the Indian Act, the provisions governing entitlement to and transmission of Indian status have favoured men and discriminated against indigenous women." That goes back to 1869.

● (2000)

She goes on to say:

> Beginning in 1869, indigenous women who married non-indigenous men lost their status and entitlement to all benefits of status, including the ability to pass status on to their children. However, if an indigenous man married a non-indigenous woman, he not only preserved his status but he was able to confer that status on his spouse and children.

Some changes came along in 1951 called the "Double Mother rule". I will not get into the details of that because this becomes a technical and complicated issue as we made the changes and made things more and more complex.

She continues:

> In 1985, Parliament amended the registration provisions in the act to ensure compliance with s. 15 of the Charter. The intent was to remove restrictions relating to marriage and remove any sex-based discrimination. However, the result was to create a two-tiered system of status that continued to unfairly discriminate against indigenous women and their descendants.
>
> This continued discrimination was first successfully challenged in McIvor, which resulted in amendments to the act in 2010. However, the 2010 amendments did not eliminate all the sex-based discrimination in registration, which led to the successful challenge in Descheneaux.
>
> Both McIvor and Descheneaux involved challenges to the two-tiered status set out in s. 6. Despite being enacted for the express purpose of eliminating sex-based discrimination, s. 6 continued to discriminate against indigenous women and their descendants by limiting their ability to pass on Indian status, as compared to indigenous men and their descendants.

Almost concurrently with Descheneaux was a case the Gehl challenge. She says:

> In Gehl, the challenge involves the registration provision and the government's Proof of Paternity Policy, which sets out the evidentiary requirements for proving a child's paternity. The claim is that the act and the policy impose a burden on registered indigenous women only, and also prevent many from passing on their Indian status to their children and grandchildren.
>
> Of importance to this case is the two-tiered status...is available to those with two parents entitled to be registered and allows Indian status to be passed on to their children regardless of the status of the other parent. Where only one parent is entitled to be registered, a lesser form of status is granted...

I bet that most members and anyone listening to this debate are confused. We get into sections 6(1), 6(2). We have created a complexity that is a real challenge.

We have one earlier court case and the Descheneaux case. After Bill S-3 was introduced, we finally had a response to that case. I do not think anyone would argue it was a paternal system that predated 1985. An attempt was made by the government to create a system that was fairer, but it was maintained as discriminatory legislation.

Bill S-3 is the government's response. I am going to talk about the process of the response. I have some real concerns and I will take it back to my own riding where I have a number of communities.

July 29, 2016, the chief in Tk'emlúps te Secwepemc received a letter from the minister in which she said she would start an engagement process with first nations and other indigenous groups across the country. It would take place in the late summer, early fall. It would consist of information-sharing and looking at a path forward.

● (2005)

This is critical to communities across the country. When they get a letter from the minister, knowing they have a court decision and something that is as significant as looking at the registration process, they are very interested and want to be involved. This was supposed to happen late summer.

In August, we wrote the minister's office, stating that a local band wanted to participate in the engagement process, asking where and when the meetings would take place. We did not get a response.

In September, we followed up. The Kamloops Indian Band had reached out to us again regarding the letter it received back in July. It was eager to be part of the minister's proposed meetings, but it was very worried that it had missed them. It thought that it was too late and that it had missed something critical.

Finally, on September 20, the minister's office emailed us to say that INAC had reached out to the band, but there were no details. Less than a month later, members of the band could travel to a meeting in Vancouver to tell the government what they thought. It might have been an hour or so long. Then the actual legislation was tabled October 25.

That is one community. If we look at the hundreds of bands across the country and if they feel the same frustration on such an important matter that impacts registration and members, imagine how concerned they would be.

The legislation was tabled in the Senate. In the House, we were encouragement to do a pre-study so we could move forward and meet the court deadline. During our pre-study, department officials were specifically asked if the bill would eliminate all known sex-based inequities. I asked the officials if they were confident the bill would do that. The official said, “In terms of your specific question for sex-based discrimination, yes, this bill is addressing everything that is wrong.” This was back in December.

We were told by the officials that the bill would take care of the issues, as the title states. Clearly, what happened was the Senate continued its study and things started to go astray.

Department officials appeared first. Then we heard from the litigants who told us they had not been contacted by the department on Bill S-3. Again, despite lofty promises about the need to improve the relationship with indigenous people, there was clearly an inadequate consultation with those most directly impacted.

We were absolutely stunned when Mr. Descheneaux indicated that he had not had any contact, and it was his case that had been brought forward.

Essentially, flaws were noted. With respect to consultation, it became apparent that the bill did not eliminate all known sex-based inequities. It was taken back to the drawing board, and it was put in abeyance at committee. Then it was brought back to the Senate.

In the meantime, we now have a new deadline, and that is July 3. A number of amendments were put forward.

What would the bill do? It is complicated and technical. We have had diagram after diagram to try to understand it.

● (2010)

Apparently, we are dealing with inequities with a cousin issue, a sibling issue, omitted or removed minors issue, children born out of wedlock, the great-grandchildren pre-1985, the great-grandchildren pre-1985 affected by sibling loss, the issue of great-grandchildren born pre-1985 whose great-grandmother parented out of wedlock phase two. We can clearly see there are a number of things done. We fixed a bunch of the problems. There were some fixed in the original bill. Clearly, it did not fix everything. There were some more fixes made in the reintroduction, and we now have the issue the minister referred to as 6(1)(a) all the way.

There is not time to even understand paragraph 6(1)(a). It was something the Liberals proposed way back with the McIvor case when they were in opposition. Clearly, at one point they thought 6(1)(a) all the way was a very adequate solution, but now they believe it is an inadequate solution. From everything we are understanding, this was perhaps a hastily developed amendment that an opposition put forward. Then the senator put it forward. They put some language around it, but from what we can see, it is almost identical.

We now have concerns by the minister about 6(1)(a) all in. We have the Indigenous Bar Association with concerns. Senator Sinclair originally had concerns, but then he voted for it when it went to report stage and third reading. We have groups advocating for this being the final solution and a committee that does not have any more time to really understand what 6(1)(a) all in would do and what it means, because it has been left so late. Is it going to solve the problems?

To be frank, we are hearing very conflicting testimony, and because the Liberals have left it for so long, we do not have the ability to actually do due diligence, which is what a committee should really do. There are no more sessions planned for the committee to look at this legislation to understand the impact of the 6(1)(a) all in.

In summary, what we have before us with Bill S-3 is certainly a fix for many of the problems. We have an incredibly botched process from start to now, and we have a problem with a Superior Court deadline that may or may not have any flexibility. Therefore, on this side of the House we are mostly incredibly disappointed that we did not have adequate time to do important due diligence to an incredibly important piece of legislation.

I go back to my original comment, my personal story that these decisions impact real people. They impact Margaret and who she was in her community. She was a lovely woman, a beautiful, articulate, talented elder who gave so much to her community; and we, the Government of Canada, made her lesser for that, and we need to make sure we get this fixed.

● (2015)

Mr. Dan Vandal (Saint Boniface—Saint Vital, Lib.): Mr. Speaker, this is something that emanates from an August 3, 2015, decision of the Superior Court of Quebec, which at the time ruled that the Indian Act unjustifiably violated equality rights. The Superior Court of Quebec at that time gave Parliament 18 months to try to make the necessary legislative changes to right a wrong.

The hon. member appears to understand that this is in fact unjust to many indigenous women, yet her government, the former Stephen Harper government, chose not to right a wrong but to appeal the decision in September 2015. It is in fact due to the leadership of the minister and the Prime Minister that we withdrew the federal government appeal.

If the hon. member understands that this is a wrong, why did they choose to appeal the decision of the Superior Court of Quebec?

● (2020)

Mrs. Cathy McLeod: Mr. Speaker, I acknowledge the member is new here, but he might not be aware that, when decisions come down in terms of when a government is in a writ period or a pre-writ period, it typically goes into a holding pattern and the decision is made in an automatic way, so that whoever is the government post-election will have the opportunity to make that decision. If they choose not to move forward, then they have taken away any options in the future. Therefore, obviously the current government had the opportunity to look at the issue, it has made its decision, and we did the responsible thing during the writ period.

Ms. Linda Duncan (Edmonton Strathcona, NDP): Mr. Speaker, I have heard the member for many years in this place and she has always spoken from a deep heart on behalf of indigenous Canadians.

I too have known incredible aboriginal elders. I worked with Nellie Carlson and Kathleen Steinhauer in the 1970s in their campaign for Indian rights for Indian women. It was only because of their efforts moving forward voluntarily to resolve this discrimination, not the efforts by any Conservative or Liberal government, which we have seen back and forth. We have had back-and-forth Liberal and Conservative governments, so neither of the two should be pointing fingers at each other. Where have the Conservative governments been on resolving this matter? Why do we have to wait for first nations women to go to court? Why do we have to wait for indigenous children to have to go to court so that they can have equal rights to other Canadians? When will this end? This discrimination has been going on for 100 years.

Can the member speak to it? It is not just because the most recent case came forward and unfortunately there was an election. Does she not agree that we should be ending this discrimination now, and should be doing away as well with legislation like the Indian Act, as my colleague has said?

Mrs. Cathy McLeod: Mr. Speaker, in my speech I very clearly articulated the need to get rid of the sex-based inequities in the Indian Act. Truly I think most indigenous communities believe we should move away from the Indian Act altogether. It is a piece of legislation that has been incredibly paternalistic. Someone once said to me that unfortunately the Indian Act has very deep roots; it is very complex. Therefore, if we look at this issue of registration and fixing the issue of registration, we see it is a process that has to be done thoughtfully and, in this case, with appropriate consultation as opposed to the consultation process that happened.

Whether paragraph 6(1)(a), all in, is the answer, I do not think the analysis has been done, but there are people who believe it will fix the issue. However, the committee has not had enough time to do its due diligence to really understand what the opportunity is. I do know that before us we have some legislation that would fix a significant number of the remaining issues. Historically, as time goes on, we look back at what we have done in the past and we know that some of the decisions that have been made since Canada was formed have had tremendous negative impacts and that we have to move forward in a more positive way.

Mr. Arnold Viersen (Peace River—Westlock, CPC): Mr. Speaker, I wonder if the hon. member for Kamloops—Thompson—Cariboo could reference a bit about our experience at committee the first time around, when we had witnesses come to the committee and we asked them about some consultation.

● (2025)

Mrs. Cathy McLeod: Mr. Speaker, I thank my colleague for all the work he has done on committee with us and his commitment to this place.

I talked already about Mr. Descheneaux's comments the first time around. Chief O'Bomsawin says there has been no communication whatsoever, and this is one of our biggest complaints about the whole thing. He said:

> I'm probably one of the chiefs at the table who is strongly known for negotiations. I'm a strong believer that we all sit down at the table and we talk. We're not going to solve all the problems of the past, and we never will, but it wasn't us who made these problems. It was our ancestors who made the problems. I think today we need to sit down and say, "What is the future and how are we going to work together?"

This is from one of the chiefs who was incredibly disappointed, because he was directly involved. He was really concerned with respect to the lack of consultation. He is just one of many examples of moving with legislation in a way that is too fast.

Mr. Romeo Saganash (Abitibi—Baie-James—Nunavik—Eeyou, NDP): Mr. Speaker, during the campaign that led to the last election, there was a lot of talk about reconciliation. The new government would establish a new nation-to-nation relationship with indigenous peoples. I get the impression that we do not know exactly what we are talking about when we talk about that nation-to-nation relationship that we want to establish with indigenous peoples.

Could my colleague assist me in understanding what we are talking about, on the other side?

Mrs. Cathy McLeod: Mr. Speaker, my colleague is better than anyone to start to grapple with the question of what a nation-to-nation relationship is. The current government puts out important concepts and words without definitions, and this has consistently concerned me. If we are going to have a nation-to-nation relationship, how are we going to define the nation? How are we going to work with a nation in moving things forward? I have asked these questions a number of times and, to be frank, I really do not have a clear understanding.

The United Nations Declaration on the Rights of Indigenous Peoples commits to implementation, but we continue to ask for definitions, because if we are going to implement something, we first need to be able to define what we are doing. To put out words without being able to understand what those words mean and how they will lead us forward is certainly a real issue with respect to the relationship between the Government of Canada and indigenous peoples.

[*Translation*]

Mr. Romeo Saganash (Abitibi—Baie-James—Nunavik—Eeyou, NDP): Mr. Speaker, I was going to say that I am honoured to rise to speak to the Indian Act, but that is not the case. Usually, when I rise in the House, I do it with honour and I consider it a privilege, but that is not the case today.

Earlier, I explained just how deeply opposed I am to this legislation, which has been in place for a very long time and, I would point out, was imposed unilaterally on indigenous peoples across this country. It is a shame that in 2017 we must still rise in the House to talk about something so racist, colonial, and discriminatory as the Indian Act.

We are supposedly one of the most progressive and generous countries on the planet, but the first peoples of this country are subjected to legislation such as the Indian Act. It is really unfortunate. Given the country's international reputation, this legislation should be done away with as quickly as possible, especially given the promises that this new government made on a number of things, including the new relationship that it wants to establish with indigenous peoples.

The adoption and implementation of the UN Declaration on the Rights of Indigenous Peoples should now be the basis for any discussion in the House. I would like to point out that this was one of the most significant promises made by several parties, including my own, but also by this government.

Regarding this declaration, let us not forget that two of the Truth and Reconciliation Commission's main calls to action are calls to action nos. 43 and 44. Call to action no. 44 calls on the government and its indigenous partners to develop a national action plan to implement the United Nations Declaration on the Rights of Indigenous Peoples. Call to action no. 43 is also important for us in the House. It calls on the federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.

That is important. We cannot say that we support all of the Commission's calls to action except for call no. 43, because it calls on us to fully adopt and implement the declaration.

It is therefore important to remember the context in which we come to this debate on the Indian Act and the status of indigenous people in this country.

Something that has always fascinated me is that the first peoples of this country are the only people in Canada subject to a law in this way. It is mind-boggling how discriminatory this law is, come to think of it. Indigenous peoples and all other peoples on the planet are equal. Like all other peoples, indigenous peoples have the right to self-determination under international law. Article 9 of the declaration recognizes that indigenous peoples have a right to determine who should be members of their communities and nations.

● (2030)

However, this is not the case, and it is unfortunate that in 2017 we still have this racist, discriminatory, and also sexist legislation.

[*English*]

Whenever I talk about the Indian Act, I am almost tempted at times, very seriously, to rise in the House and propose a Caucasian act. Please excuse my use of a typological understanding of human biology when I limit people to racial terms, especially since the term Caucasian describes people from the geographic regions of Turkey, Armenia, and Azerbaijan, and most members in the chamber are from western Europe. Self-identity is not what is important here.

My proposition would be nothing new, as a matter of fact. Five hundred years ago when Caucasian ships began arriving on the shores of this continent, indigenous peoples began devising all sorts of appropriate responses to the invasion. Maybe, at least in the north, invasion is too strong of a word to describe the first contact, but when farmers, entrepreneurs, and business people began to be displaced by foreign investment, when doctors spoke out in alarm of undocumented immigrants bringing high levels of infectious disease onto this continent, and when community leaders began noticing the erosion of the indigenous social fabric, our warriors became our homeland security, and our knowledge keepers became our policy-makers on this continent.

For a while, official policy was to send all Caucasians back to where they came from. I will not lie, that argument still pops up from time to time in discussions with my people, but then mixed marriages, economic interdependence, and the sheer numbers became a reality, and we realized that a more nuanced solution was needed for the Caucasian problem. If I were proposing that act today, I would paraphrase John A. Macdonald and say that the great aim of this legislation is to do away with the European system, and assimilate the Caucasian people in all respects with the other inhabitants of this land as speedily as they are fit to change. I am of course paraphrasing John A. Macdonald.

I can almost hear some of the other members objecting, but will this proposal not deny my fundamental rights contained within the Canadian Constitution and the Charter of Rights and Freedoms, and violate universal human rights standards? However, I can assure everyone that rights are not important when we consider the creation of a Caucasian act. Power is the most important factor when we consider pieces of legislation designed to control and assimilate one demographic group to the exclusion of all others. Who holds power over the lives of others?

Today, the government has brought to the House Bill S-3, a Senate bill that purports to remove gender discrimination from the Indian Act. The only piece of legislation in this country, I will repeat, that exclusively governs the lives of one demographic group, namely, the indigenous people of this country. When considering this bill, it must be recognized that the colonial system is always about gaining control over another people for the sake of what the colonial power has determined to be the common good.

● (2035)

That is the system that is prescribed by colonial values, priorities, and objectives. Senators, MPs and expert witnesses have repeatedly told the Liberal government that Bill S-3 must go beyond the limited understanding of what legislative review of the Indian Act means, an understanding limited by colonial prescriptions.

In fact, the minister has already told the Senate that her government will reject one of the senators' amendments to the bill, and members heard, as I did, and as all of us did in this House this evening, that is what she repeated tonight.

As the Indian Act is currently written, indigenous men who married non-indigenous women before April 17, 1985, when the act was re-written to comply with the charter of rights, will always pass their Indian status to at least their grandchildren and, in many cases, to their great-grandchildren. This is the case, even if their children and grandchildren parent with non-Indians. However, indigenous women who married non-status men before 1985 only pass on status up to their grandchildren, unless those grandchildren parent with other status Indians.

Senator McPhedran's amendment to Bill S-3 is intended to eliminate any remaining distinctions between the descendants of men and women who married non-Indians before the charter. It would go back to the creation of the Indian Act in the 1800s, while the government wants to stop at those born after the Indian register was created in 1951.

We are left with the question, why is the government refusing to recognize the indigenous identity of potentially hundreds of thousands of people? Remember, self-identity is not seen as important, human rights are not seen as important. What is important is gaining and maintaining power over a subjugated group of people, meaning the indigenous people of this country.

As Dr. Lynn Gehl has explained, “They don't want to end this discrimination. The ultimate goal is to get rid of status Indians and get rid of treaty rights—so much so, that they'll target women and babies.”

I want to quote what Deborah Serafinchon said to our committee when she appeared not too long ago. She said:

> I'm not a lawyer, I'm not into any of this, all I know is that I don't understand the different status of 6(1)(a), 6(1), 6(2), whatever it is. Simply, as far as I'm concerned, an Indian is an Indian. I don't understand why there's different levels of status...I'm Indian enough to be discriminated against, but I'm not Indian enough to get status.

Whenever I hear testimony like that, it bothers me a lot, because this legislation has been around for so long. I remember the day after this Prime Minister got elected, and he reiterated a lot of the promises he made to indigenous peoples. I remember the day, across the river, in December 2015 when he spoke before the chiefs at the Assembly of First Nations. One of the promises he made that day in December 2015, before the chiefs at the Assembly of First Nations, was to review and rescind any legislation that was unilaterally imposed on indigenous peoples by previous governments. He used the word governments, not the previous government, but previous governments. It would have been very logical if he started with the Indian Act 20 months ago. Now we are caught with this, and bound by a deadline set by the Quebec Superior Court.

● (2040)

It is also worthwhile to read into the record what Senator Daniel Christmas said with respect to the Indian Act:

> The point I'm making is a very stark one: Life under the Indian Act is a horrible and unproductive existence whose ultimate destiny is insolvency and ruin, both economically and emotionally.

A lot of first nations are in the same boat now that Membertou was in the mid-1990s.

Senator Christmas went on:

> I recall the awful feeling of seeing people in my community walking with their heads down. Their community was poor and without any prospects, any hope for improvement, for us or for our children.

That is what he said in the Senate. It is important to remind ourselves that those are important considerations that we need to take into account in any revision that we make to the Indian Act, whether it be to status or to any of the other elements that are contained in the earlier Indian Act.

I also want to remind members that the new government has committed to adopting and implementing the United Nations Declaration on the Rights of Indigenous Peoples, and the minister has repeated that commitment and promise on a couple of occasions since the election.

Article 9 of the United Nations Declaration on the Rights of Indigenous Peoples reads as follows:

> Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

I made an earlier point about the UN declaration. The Truth and Reconciliation Commission has recommended that we fully adopt and implement the UN declaration as the framework for reconciliation in this country.

There is a bill before this House, Bill C-262, that would implement the TRC's calls to action 43 and 44. I am hopeful that once that bill is adopted, it will be the framework for any proposed legislation in this country, in this chamber, as we move forward, because although a declaration is not the same as a convention or an international treaty, a declaration does have a legal effect in this country. The Supreme Court has confirmed on a couple of occasions now that declarations do have legal effects. Declarations are “relevant and persuasive sources” to interpret domestic human rights law in this country.

My suggestion here is that the UN declaration already has application in Canadian law. That should be the basis of any legislation that stems from this House from now on, or any policy review that we do as a government in this country. It does have application, and that is what Bill C-262 would confirm as well.

I was going to go into a whole list of the effects of the Indian Act, and it is quite a long list. However, I do want to remind this House that one of the things that is still in the Indian Act—and not too many Canadians know this—is the fact that the minister still has the authority to accept or refuse my will when I pass away. It is still in the Indian Act. That is pretty outrageous. It is only for indigenous peoples.

That is why I say the Indian Act needs to go away. There are enough people in this House to make suggestions as to what to replace it with. I think it is grand time that we do it. It is 2017 in this country called Canada.

● (2045)

Mr. Adam Vaughan (Parliamentary Secretary to the Minister of Families, Children and Social Development (Housing and Urban Affairs), Lib.): Mr. Speaker, I am not going to pose a question. Instead I will provide a comment, but I will start by saying that it remains one of the great honours, perhaps even above and beyond serving in this house as a member of Parliament, to sit in this House with the member for Abitibi—Baie-James—Nunavik—Eeyou. He reminds us not only of the role of our conscience as parliamentarians but also of the work we have to do until that member is satisfied. I commit to him personally that I am not satisfied that the work we are doing will ever be there.

The challenge we have as Canadians, as treaty holders, is the complexity of what we have inherited. It is hard to walk away from it quickly without unintended consequences. We have seen the impact of good intentions on too many communities, and also the impact of bad policy on too many communities. As we move forward, I hope that progress makes its way sometimes. Progress sometimes is a healthy substitute for caution, for being careful. We recognize that we are struggling with this because we have created a mess, a tragic and deadly mess, and we have to deal with it.

The member said he had a list of other challenges that we still have to deal with as a country. In the spirit of reconciliation and our understanding of these new truths, I will ask him to please, one more time, give us a lesson in the work we have to do, and I thank him for it.

● (2050)

Mr. Romeo Saganash: Mr. Speaker, I will not go into that list, because it is too long and because I do not want to provoke nightmares during our sleep tonight. However, I do want to say in response to the comment that for 150 years, essentially what the Canadian government has done is to wage a legislative war against indigenous peoples, indigenous women in particular. That needs to stop.

We are all committed to reconciliation. I do not think there is anyone in this chamber who is against justice. I do not think there is anybody in this chamber who is against reconciliation. I do not think there is anybody in this chamber who is against human rights, yet for 150 years, throughout the history since Confederation, the federal government has been an adversary to indigenous peoples, an adversary to indigenous rights in this country. If the government is going to continue that, it is not consistent with its promise of reconciliation.

Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC): Mr. Speaker, I too appreciated the comments of my colleague, whom I work with on committee. I appreciate his sentiments around the Indian Act, which he states regularly and consistently.

We have before us this bill, Bill S-3. We have looked at it twice. We looked at in a pre-study in November and we looked at it again recently in another pre-study, in a version very different from the first. Both times, as he is aware, when we asked the officials if this legislation deals with all known sex-based inequities, we were told that it did in November, but there were a number of mistakes. The bar association and Descheneaux's lawyer pointed out the Gehl case. It very quickly became apparent that the bill was lacking. We asked again just this week if the bill now takes care of all known sex-based inequities, and the officials again said it does.

I would like to ask my colleague if he has confidence that the officials are right, or can he perhaps identify any issues that are still there in this piece of legislation?

Mr. Romeo Saganash: Mr. Speaker, one of the things I often mention in this House, and I want to repeat it again. As members of Parliament we have a duty to uphold the rule of law. I mentioned that to the Prime Minister the other day. What does that mean? According to the Supreme Court of Canada, upholding the rule of law means respecting the Constitution. Our Constitution contains the Charter of Rights and Freedoms and section 35 dealing with aboriginal and treaty rights. Therefore, we need to make sure that every time we discuss legislation, it is consistent with the charter and section 35.

We already have that obligation under the Department of Justice Act. Article 4.1 obliges the Minister of Justice to make sure that before any legislation is tabled in this House, it is consistent and compatible with the Charter of Rights and Freedoms. We do not have that equivalency for aboriginal and treaty rights yet. That is why Bill C-262 is important for this House as well. Many times when that vetting happens, it is possible that we miss certain legal points. It happened many times under the previous government, and it is bound to happen again here.

I used this example at committee last week. The Canadian Human Rights Tribunal said something important that struck me. It stated that the Department of Indian Affairs continues to do exactly the opposite of what the Minister of Indigenous and Northern Affairs says.

There has always been a problem and a struggle between the front bench here and the departments under which they work, so we are bound to miss a couple of points. However, what is important is to have the proper basis for us to move on, and that is the UN Declaration on the Rights of Indigenous Peoples.

● (2055)

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I want to thank the member for Abitibi—Baie-James—Nunavik—Eeyou from the bottom of my heart for setting so clearly before us what we should be talking about instead of Bill S-3, which are the big picture items that we and first nations and indigenous peoples in this country are still living under, and that is a racist, discriminatory, colonial bill. We are now approaching it from the point of view of one aspect of it because of the deadline of a court case, when we should be discussing how to implement the United Nations Declaration on the Rights of Indigenous Peoples.

I am enormously pleased that when the New Democrats and the Greens of British Columbia agreed on how they would govern, they agreed that the Government of British Columbia would operate under the United Nations Declaration on the Rights of Indigenous Peoples as law. Since we do have Bill S-3 before us, the member quoted Senator Dan Christmas. I want to ask a question with respect to another member of the sovereign Mi'kmaq territory, Professor Pam Palmater, who said clearly to the committee:

> There is no reason to consult on whether to abide by the law of gender equality. The laws of our traditional Nations, Canada and the international community are clear on gender equality. There is no optioning out of equality, nor can it be negotiated away.

She also cited as an authority the United Nations Declaration on the Rights of Indigenous Peoples. I am loath to comment on the Indian Act, Bill S-3, or anything else, since I am not under a Caucasian act, though I did like the member's suggestion that it would make it very clear to people exactly how racist and discriminatory the bill is.

As I understand it, I could vote for Bill S-3 with Senator McPhedran's amendments, but without them I cannot vote for it. Have I grasped this technical, small, yet hugely significant part of a racist and colonial scheme?

Mr. Romeo Saganash: Mr. Speaker, the member quoted Pam Palmater, who appeared before our committee and the Standing Senate Committee on Aboriginal Peoples. What is important to me is that we as parliamentarians make sure we respect the law. We are prohibited from discrimination. This House is prohibited from discriminating against anybody in this country. That is what the Constitution and the Charter of Rights and Freedoms say, and that is what we need to abide by. The member is right. We have no choice. This is the law, and we have to respect the law.

Mr. Arnold Viersen (Peace River—Westlock, CPC): Mr. Speaker, it is my pleasure to rise to speak to Bill S-3. It is an interesting case. I sit on the committee. We started the pre-study on it, then we stopped the study, and then we got started again. I have not been here very long, but that was a unique situation, I understand, that does not happen often. It is under those circumstances that I begin my debate here today.

We now have studied the bill. We studied it even before it got to this place. That is also interesting. We had to bend the rules of the committee to make that happen as well. It has been an interesting method of using parliamentary procedure.

I come from an automotive mechanic background, and then I came to this place. I thought one thing I had better figure out was how parliamentary procedure works. I did not realize there was a big green book we had to read. However, I did go to the library, and I got *Robert's Rules of Order*. All parliamentary procedure stems basically from *Robert's Rules*, so I read it. I had a significant grasp of *Robert's Rules*, and when I got here, I began to play with the green book and discovered how our parliamentary procedure works. It is much more in-depth than *Robert's Rules*, but there are some basic principles that apply. We had to massage all those principles to get where we are today discussing Bill S-3. There is also a limited timeline as we go forward.

Bill S-3 talks about membership in a race, essentially. That is what it is. It is tied up with what the act of Canada calls an Indian. Nowadays that term is bound up with a whole bunch of emotion, so we do not use that term nearly as often, but it is the term that is used in the Indian Act. Bill S-3 is a bill that would help to define who is an Indian in the country of Canada. For me, from the get-go, that places me in what I am going to call an icky situation. Bureaucrats in Ottawa are deciding who is an Indian and who is not an Indian. That to me is the very definition of racism, I guess we could say. The government is placing a label on people and not placing a label on them.

On the flip side, however, I am Canadian. I was born and raised here, but I am also a descendent of Dutch people, so I consider myself to have Dutch heritage. I do not need to go to the government to get someone to sign a piece of paper saying that I have Dutch heritage. It is just the way it is.

With our current system, people get a card that says they are Indian. It could happen that a person's entire family has cards that say they are Indian, and all the first cousins have cards that say they are Indian, but that person does not have a card that says he or she is an Indian. To me, that is terrible, in a whole raft of senses, but particularly in this country, where we have seen that our indigenous communities are over-represented in the suicide statistics.

We have done a recent study on suicide in Canada among our indigenous communities. I want to read a quote from Ed Connors about why perhaps the suicide rate is so high among our indigenous peoples. He said that if people cannot answer these questions, their likelihood of suicide is higher: “Where do I come from? Who am I? Why am I here? Where am I going?”

We have a system in this country in which all someone's first cousins may have a card that says who they are, they are Indians, and he or she cannot have a card and is not entitled to the same things as all his or her cousins. That in and of itself can lead to a sense of not belonging.

● (2100)

Here we are today, in Ottawa, trying to develop a law that will help to ensure that people who have first cousins who have cards are able to get cards as well. This is important, because that will give them some sense of belonging. If they have that card, it will not allow certain individuals to exclude them from certain activities.

We are debating Bill S-3. When I was first elected, this is not what I thought I was coming here to be debating. I think I share the sentiments of my colleague from Abitibi—Baie-James—Nunavik—Eeyou that the very essence of the Indian Act seems to me to be racist in that we are deciding, based on ethnicity, who gets some privileges and who does not. I agree with him that we need to be looking more broadly.

It is like having an old car that is fairly broken and has a number of things that should be fixed, but the one thing keeping it from working properly right now are the wheel bearings, so we are going to put new wheel bearings in a really old car. Perhaps we should think about buying a whole new car. That might be a better deal than buying new wheel bearings to stick in a really old car that has one hundred other problems.

This whole discussion on Bill S-3 seems very icky in terms of how, by definition, we are deciding who belongs to a race and who does not.

Moving from there, we ended up with graphs. We heard from a number of witnesses at committee, particularly Mr. Descheneaux, who brought us a series of graphs on 6(1), 6(1)(a), and 6(2). It was all extremely confusing. I go back to the beginning. I am a Canadian of Dutch heritage. I did not need the government to decide that I was a Canadian of Dutch heritage. I just knew instinctively that I belonged to that community.

What the bill is trying to address is a laudable action. If a grandmother married off the reserve, and her daughter married of the reserve, the children were not entitled to status, but if the grandfather married off the reserve, they were entitled to status, even though the parents might have been non-status. I agree with the member from James Bay that we have to move toward a system where we recognize being a member of a cultural group rather than a defined scenario.

In my riding, I have several first nation communities and Métis. I come from a large riding in northern Alberta. I like to call it the promised land. It is literally flowing with milk and honey. It also has a number of reserves that are still in the process of being made into reserves, so for that reason as well, I call it the promised land.

Deborah Serafinchon was a witness at committee, and she talked extensively about her experience. She had DNA proof that both of her parents were 6(1).

● (2105)

She went with that DNA proof and was told they needed affidavits from a number of people proving that her parents were in fact who she said they were.

That, to me, is very interesting. She has DNA proof of who her parents are but is unable to get status, even under the current situation. It is going to be interesting to see where this goes.

With that, Mr. Speaker, I would like to thank you for the time this evening. I would like to thank all the members who spoke on this. I look forward to some questions.

● (2110)

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I want to thank my colleague, the member for Peace River—Westlock, for what I think is an extraordinarily apt metaphor for what we are doing here tonight, that of a car that is broken down, and one might even say cursed. It is the kind of car one really wants to get rid of. However, we are focused on fixing the one thing that is front of us that we have to fix tonight.

I have often thought, when I heard the hon. member for Peace River—Westlock speak, that we need more people with a background in auto mechanics in this place and probably fewer people like me with law degrees, because I think that really says it all. We are dealing with what we are dealing with. However, the bigger problem is that we have the so-called Indian Act, which is, as we have heard tonight from the hon. member for Abitibi—Baie-James—Nunavik—Eeyou, absolutely a racist and discriminatory act. It is imbued with the vestiges of colonialism in its worst form.

I just want to thank the member for a great metaphor. I do not think I have a single question except to say I wonder if he is prepared to vote for it as long as it has the amendment that would eliminate this one part of the car that we are replacing, the piece that would eliminate gender-based discrimination?

Mr. Arnold Viersen: Mr. Speaker, we are still studying this bill at committee, as the member is aware, and there are possibly a number of amendments that we will be discussing, as well. Based on the outcome of that, I will be deciding on how I will be supporting this bill.

Mr. Robert-Falcon Ouellette (Winnipeg Centre, Lib.): Mr. Speaker, I wonder if the member would discuss a bit more about the testimony he heard from Ms. Deborah Serafinchon at the committee. She is the lady who talked about how she did not really understand 6(1), 6(2), and 6(1)(a) Indians and what that all meant. She talked about how, at the end of the day, her mother was sent to residential school, that she did not have status, how her mother was forced to hide her as a child and flee the hospital because they were going to seize her as a baby, not because her mother was unwed but because she was an Indian, and even though she did not have status, that did not really matter because she was an Indian nonetheless. She said, "I'm Indian enough to be discriminated against, but I'm not Indian enough to get status."

The member heard that testimony directly. I have seen it on video. I think it is perhaps one of the most poignant I have heard because she is a lady who is not a lawyer, not someone who might be considered an expert, but she is someone who was speaking from the heart, from the heart of her absolute core, about the discrimination that occurs in the Indian Act and the potential to actually make a difference through the Senate amendments on this act.

Mr. Arnold Viersen: Mr. Speaker, I would just note that our colleague from James Bay did actually read that entire quote into the record a few moments ago.

Deborah Serafinchon is indeed one of my constituents. She did read into the record the fact that she has DNA proof that her father has status and yet she is without status. She has DNA evidence to that point. However, even under the current bill, she would still be unable to get status, regardless of her DNA proof. We will be looking into that in committee going forward, for sure.

Mr. Robert-Falcon Ouellette: Mr. Speaker, I was wondering if the member could give a bit more information about some of the Senate amendments that the government received, the difference in those Senate amendments, and what he feels about those Senate amendments. They are obviously very important.

The Senate amendment mentions a parent or guardian or other ancestral person. It has a large introduction, which essentially says:

> ...the Registrar shall, without being required to establish the identity of that parent, grandparent or other ancestor, determine, after considering all of the relevant evidence, whether that parent, grandparent or other ancestor is, was or would have been entitled to be registered. ...the Registrar shall rely on any credible evidence that is presented by the applicant in support of the application....

Essentially, we are allowing the registrar greater leeway to determine who is an Indian, so it is essentially moving back perhaps to what we used in Canada back in the late 18th century, early 19th century, in allowing people to determine who is an Indian, such as this is someone who looks like an Indian, sounds like an Indian, lives in an indigenous community, so he or she must be an Indian.

● (2115)

Mr. Arnold Viersen: Mr. Speaker, the member opposite and I have had dinner together. I must commend him for his great advocacy and the work that he has done to bring forward the issue of reconciliation even in his own community. I understand he went on a 900-kilometre walk last summer with respect to the issue of reconciliation. I might be exaggerating that a bit, but that was commendable on his part. I would like to congratulate him for his work on this effort.

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, I think I speak for most Canadians who feel that the colonial vestiges of the last several hundred years really have no place in modern Canada.

I come from British Columbia and it is almost entirely unceded territory. Issues of identity and full inclusion in Canadian society are still very much top of mind for many indigenous people in my riding of Vancouver Kingsway and across British Columbia and Canada as a whole.

I am wondering if my hon. colleague could speak to the feeling of urgency he feels or may not feel about resolving treaty claims in Canada and whether he feels that plays any role in helping to resolve some of these issues of status and inclusion in Canadian society today.

Mr. Arnold Viersen: Mr. Speaker, I will comment on what I do know about. In my riding two groups were missed when the Indian agent came through. They do not have reserves and we are currently trying to settle those reserve claims. The government actually calls it an expansion of reserve because it is already claimed territory. It is all Treaty 8 territory where I live.

One of the reasons I call my riding the promised land is because there is promised land and we are working toward getting reserve status for that land. One of the groups already has its phase one, which is made up of several acres of land. This group is working toward 92 square kilometres of reserve going forward. For them, this is a great source of joy and a great source of pride. There is something about being tied to land. I own five acres of land and it is my slice of paradise up in the promised land.

Mr. Dan Vandal (Saint Boniface—Saint Vital, Lib.): Mr. Speaker, I am wondering if the hon. member could comment about the diversity of opinion on this issue. There are organizations such as the Native Women's Association of Canada that feels we cannot move fast enough on this. Other organizations such as the Indigenous Bar Association support the principle of the bill. All of us on this side of the House support the principle of the bill. These organizations have some real concerns about the drafting of the bill, the actual words in the bill, as does Senator Sinclair, who had concerns with its drafting but ultimately supported the spirit of the bill.

I am wondering if the hon. member could comment on those concerns.

● (2120)

Mr. Arnold Viersen: Mr. Speaker, I too have concerns. I mentioned my constituent who had DNA evidence that her father was Walter Twinn, one of the senators from years past, and the very fact that she lived without status. The bill would nothing to make that any better. That is one of my concerns and it is one of the concerns we heard at committee. Therefore, we will be working to rectify some of those situations.

Mr. Adam Vaughan (Parliamentary Secretary to the Minister of Families, Children and Social Development (Housing and Urban Affairs), Lib.): Mr. Speaker, as I referenced in the comments I made to my colleague, it is impossible, as a Canadian, to stand in the House and speak proudly of the tradition the country has etched in the soul of its aboriginal people and not feel shame, not want to fix, change, and move to a better place with new laws that, quite frankly, in many cases, just have to eliminate past laws.

My family is from Australia. I am the kid of immigrants. People may think they arrive in this country free of that history, but the minute they become citizens, they inherit the responsibility to do right. We have not done right yet in our country. Until the Indian Act is abolished, I do not see a way of achieving that.

Even as we speak of that, we know, as I look across the way to my friend who is a proud member of the House but also a proud member of the Métis nation, it is just one step in a long march toward truth and reconciliation. We have obligations to achieve that. Perhaps we can do much in this Parliament, but my sense is that a country that was founded on 400 years of colonialism, racism, and theft, it will take a long walk out of those shadows, a long way out of that forest before we get to a clearing where we have common ground, and it will be painful.

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

One of the things we encounter very quickly when we have the responsibility and privilege of governance in the House is that we have the capacity to fix things, but in fixing things we have the unintended impact of also breaking things simultaneously. The challenge we face with this law and the challenge being delivered to us from the Senate is that as we seek to fix one part of this colonial tragedy and this colonial knot, we have to acknowledge we are not fixing all of it. In fixing one piece of it we may actually make solving other parts of the problem that much more difficult.

As we think we move toward reconciliation with aboriginal peoples with treaties, we have to understand that may leave the situation of people of nations without treaties in a more difficult situation. As we acknowledge we have the Métis nation and the responsibility to another group of people, differently configured, with different culture, that leaves behind conversations we should be having with our Inuit brothers and sisters. We have inherited a difficult, troubled history.

However, what gives me hope that we are moving in the right direction is we are getting criticized in a way that is fair, legitimate, and responsible. It is the personification of Loyal Opposition. The issues that were just enunciated, the poignant testimony from my colleague across the way, shows that we have not got it right. However, what we do have is a commitment from this side of the House, and I believe it is shared by all parliamentarians, to keep working at it until it is right. The failure to do that would be the failure of the country.

The challenges we have in dealing with the specific legislation in front of us right now is trying to decide whether we are trying to get better or whether we are trying to achieve perfection. The risk of perfection getting in the way of better is that perfection has been criticized by many people, including some of the strongest voices from the first nations community, in fact, some of the voices from the Truth and Reconciliation Commission itself.

Judge Sinclair, the senator from the other place, has said, "I looked seriously at how we could put an amendment together to make it say 6(1)(a) all the way, and I couldn't come up with wording. This is not the wording that I would have come up with, and I don't approve of this wording myself." He voted against the amendment.

If one of the authors of the Truth and Reconciliation Commission says do not do something, we have to listen to that wise counsel. He voted in favour of the amended bill to ensure it came to Parliament, to ensure we could meet the July 3 deadline, to try to find resolution to this issue, but he cautioned us. This is the reality. Every time we move on indigenous issues in the country, we unintentionally put someone else in jeopardy, somewhere, somehow.

● (2125)

We have yet to find a perfect way to walk out of the forest quickly into a clearing, into common ground. Those of us who favour a process of incremental, persistent, and consistent improvement and persistent and consistent negotiation and consultation with as wide a range of people as possible are speaking in support of the motion tonight, and that is important. It is not that we do not recognize the harrowing, discriminatory, racial, and patriarchal dynamics that have been clearly highlighted. It is that we cannot solve all of it quickly without knowing in our hearts that we are going to make other mistakes that put other people in harm's way. It is hard to put people in harm's way as legislators, so we try to do things cautiously and carefully. That is why this process of incremental but persistent and consistent advancement is the one that has been chosen.

All of that being said, the thing we need to caution ourselves against most importantly is that we need to be very careful not to position competing perspectives from different aboriginal organizations and individuals against one another and somehow suggest that one is right and one is wrong. It is quite possible that when we propose solutions, they are both right and wrong simultaneously. I hope this process of the last two years, as well as the Truth and Reconciliation Commission, the legislation that has been coming from the government on a consistent basis, negotiations that have been held on a consistent basis, and consultations that have been held on a consistent basis, is showing those who have no reason to trust the Government of Canada that they can trust this process and this government to make sure that every time it moves it does so cautiously, conscientiously, and carefully.

We will make mistakes and we will not move fast enough for every person who has been affected by colonialism in this country. That is as true as the sun rising tomorrow, but I want to assure people listening and my colleagues in the House that those of us who have taken the notion of truth and reconciliation to heart, soul, and mind are moving forward with our brothers and sisters, even if we do not always agree on every single tactic, every single clause, every single rule and regulation. We will get there. We probably will not get there in my lifetime. We probably will not get there in the lifetime of most members in the House, but I am comfortable in knowing that we are moving in the right direction.

I had the privilege in the last year of consulting with aboriginal elders, Inuit elders, as well as Métis nation authorities and elders in that community, about housing in urban settings across this country. I have talked to folks from coast to coast to coast about what they see as a good housing program and everyone asked me at the beginning of the process to check in with an elder first, before doing wider consultations with the community at large second. It was wise advice that I received and good advice that I followed.

A couple of thoughts, gifts of wisdom, that were imparted to me stick with me to this moment and these are why I am comfortable supporting the government's position on Bill S-3. It was this: every time INAC or the government makes a new rule or regulation as it relates to aboriginal people, the roots of colonialism and racism grow a little deeper in this country. There is truth to that. What happens when a tree's roots grow deeper is that the branches have the capacity to grow wider, tangle, and create even more complex problems. What is really needed is the clearing that I spoke about. We need common ground to emerge and not to grow the roots deeper or the branches more complex.

We need that clearing for new life to spark and take root, a new relationship to grow, and for that to define the relationship between those of us on this side of the treaty table and those on the other side of the treaty table, those who have lived here for thousands of years and those of us who are new arrivals. We need that space to emerge. We need new opportunities, new ideas, and new life to take root, and we need a new future to emerge from the common ground, the clearing ground, in the forest. Otherwise, this country shall remain in shadows and the people who will be hurt the most from that are our indigenous brothers and sisters right across the country.

● (2130)

I said I was from Australia. Australia has also travelled through this painful process and has also struggled to find truth and reconciliation with its aboriginal peoples. Eddie Mabo, who is one of the great warriors for justice in that country, once asked, "What more can they do to me that they have have not already done?"

We can do more harm if we are not careful. That is why I implore this House to take the careful steps to embrace Bill S-3 and to remain committed to truth and reconciliation, because that is the way forward.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I am still struggling with this. I understand that the hon. member says that perfect can be the enemy of the good, but in this case no one here is striving for perfection.

We still have the Indian Act before us, which I think we agree, and as his earlier statements made clear, is something that brings shame to the whole country. Now we have amendments proposed by the Senate that would at least ensure that gender discrimination would be removed from it. It is hardly the perfect being the enemy of the good.

I am struggling with it, but I do not believe I can vote for Bill S-3 without the Senate amendments that ensure that at least the gender discrimination pieces have been removed.

Mr. Adam Vaughan: Mr. Speaker, maybe it is not good getting in the way of perfection; maybe it is adequate getting in the way of perfection.

It comes back to the notion that we have to proceed carefully. If we make wholesale changes quickly, it will be like turning a sailboat too quickly. If the sail has not been tended to, if the waves have not been checked, if everything has not been done right and there is a quick turn of the rudder, the boat will be pitched into catastrophe and people will be put at risk. That was not necessarily the intent; the intent was simply to turn the boat around.

We have to change course as a country, but as we contemplate going about and changing course, we need to make sure that the sails are trimmed properly, that the boat is seaworthy, and that the crew on board and those we have carriage of are safe and know what is about to happen.

The challenge with the Indian Act is that it has set up some complex and very dynamic relationships in the country, and if we turn quickly, it would have the unintended consequences of loading expectations into people's lives and placing demands on institutions that have no capacity. We would be back where we started, because the boat would not actually turn. It would simply stall. We cannot stall on this issue.

If I could continue with the sailing analogy, we are looking for that better wind and that better water. We are not there yet, but it is time to make sure that we sail a little stronger and make a little more progress.

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, I am somewhat disturbed by what I just heard the hon. member say.

He is worried about moving too quickly. Frankly, we are talking about the Indian Act. We have spent decades and decades studying this issue. We know exactly where the problems are. I am disturbed that the member would say that we need to exercise caution at this point. Indigenous people in this country have waited long enough.

Moreover, I am disturbed by the fact that my hon. colleague talks about how we might err. How about we err on the side of more equality? How about if we err on the side of giving women equal rights? If there is an error in some way, then perhaps we have gone too far too fast. It would be nice, after 150 years of colonialism in this country and hundreds of years beyond that, if the Liberal government actually had a little bit of daring.

My final point is that this was a considered amendment by the Senate. For decades I have heard the Liberals defend the Senate as a place of sober second thought, a chamber that is supposed to bring concentrated analysis of issues, and we are supposed to take that seriously. Is my hon. colleague saying that the amendments from the Senate are ill-considered or unnecessary?

Why does he not just accept what the Senate says ought to be done, what the members on this side of the House want to be done, what indigenous people across this country want to be done, have some courage and actually make these amendments that are so desperately needed and long overdue?

● (2135)

Mr. Adam Vaughan: Mr. Speaker, the fallacy in that presentation is that there is unanimity among the aboriginal communities as to what the right way forward is, quickly. When we do not have unanimity, we do not act quickly and rationally.

There are many of the amendments that we do accept. There are some we are troubled with. I use the words of Judge Sinclair, one of the authors of the Truth and Reconciliation Commission, who had problems with the wording on one of these, and to listen to that senator as he said he looked seriously at how he could put an amendment together to make it say 6.1(a) all the way. He supports the position of quick change, but he also cautions against quick change that has unintended consequences. He said he could not come up with the wording.

When there is a lack of unanimity, acting quickly can impede progress. I share the sentiments that it has been too long, that Parliament should have been seized with this 150 years ago, let alone 300 years ago when we first landed and created the mess that we are now trying to untangle.

I am taken back to another phrase by Cindy Blackstock, who said that they have survived their mistakes for 10,000 years; it is our mistakes that indigenous people do not survive. I am guided by that. We all want to do the right thing. Getting there with unanimous thought is what is evading us, so there is part of this bill with which we have concerns, and we will go slower.

Mr. Robert-Falcon Ouellette (Winnipeg Centre, Lib.): Mr. Speaker, I just had an interesting meeting with a lady, Alana Daniels from Long Plain First Nation. She said, “Always speak from the heart”, and so I will. I do not really have any prepared notes and I do not have anything to hold up, just a few little scribbles about my thoughts.

This weekend, I had the opportunity of participating in a sun dance under Chief David Blacksmith. It was out at Spruce Woods. It is a ceremony that lasts a minimum of around a week, but really the main ceremony is around three days. For three days and three nights, there is no food or water taken by the participants. I have done a four-year cycle, meaning four years in a row I have pierced. I do not pierce for myself. I do not ask things of the creator for myself. I ask things for others. I pray for others. I put myself and I humble myself for others. This weekend was my opportunity not to have to dance in the sun dance itself, but to be a helper, a *skabe*. I ran around picking up garbage, running the sweat lodge, doing the things that needed to be done to make sure that the dance was successful for those who were praying for us.

People also knew at the sun dance that I am a member of Parliament, and even though it is not a time for politics, the women at this sun dance asked me again and again about Bill S-3. They asked me, "What are you doing about Bill S-3, and why is the government willing to take away our rights? Why is the government willing to remove our birthright? Why is the government not giving back our birthright to our children, to our grandchildren, to our descendants, and their descendants?" This is a debate that has been going on for many generations in this country, and it is a painful thing for me to stand here, because I do not want to be standing here taking this position. I was hoping that it would not come to this moment, but I must have the courage.

We have been talking about this since 1978 when Sandra Lovelace went to the United Nations with others, and they fought to get their rights back, to remove the discrimination in the Indian Act. The government said it was going to give them back their rights, but it was like when we rub the lamp of a genie and the genie comes out and gives us our wish and says, "I grant you three wishes". The wish the government gave was "I'll give you equal rights", but it reduced the rights of men and created first- and second-class status Indians. They could see the termination of their status within the lifetime of their descendants, of their grandchildren. If they married out for love, if they met someone they happened to love, they could not bring the person into the nation as the men could before. In fact, they would see the termination of their status because they married for love, even men are like that today. That is a denial of the birthright of indigenous peoples.

We might not like the Indian Act—no one loves it—but at the end of the day, it is what we have and it defines who is an indigenous person in this country. It defines our citizenship in this country. Therefore, in 1985 when the government passed its legislation, I remember being only 10 years old and knowing about Indian status and who in the family had it and who did not have it, which cousin had it and which cousin did not have it. That is a painful thing. Why should a 10-year-old have to know who has more rights than another, who is a full citizen and who is not a citizen, who can go on the traditional territories and who cannot?

In 2010, the government was once again, after a court case, faced with making a decision. It made a decision. It was to do two rounds, a second round of consultation afterward to see if there should be additional amendments. We are still waiting for that second round of consultations to lead to legislation. Now here we are in 2017. I am 40 years old, and we have been debating this for my lifespan. Here I stand as a member of Parliament and it comes before me. I am asked to support a position that I cannot support.

● (2140)

Who am I to deny the birthright of my cousins, of my brothers and sisters in the sun dance? I simply cannot do it. It is absolutely shameful that we are debating this. Why should a man have to wait for justice? Why should a woman have to wait for justice. Why should the children have to wait for justice? Have we not waited long enough for justice?

Yes, the bill that the senators have sent us may be imperfect. Yes, it may not be the best type of bill, the greatest bill that the lawyers of the Justice Department had decided we should consult or debate in the House of Commons. Nonetheless, it is the bill that was submitted. INAC had an opportunity for many months since the Descheneaux case to actually come up with a solution and multiple plans, yet here we are facing an ultimatum of July 3, because they could not do the task that was laid before them by their minister. That is a disgrace about the Indian affairs department.

They ask us to trust them, and we have been asked to trust them for 150 years, only to be asked to trust them again for another two years and to hopefully see it happen. I know the minister has a good heart and cares about this issue, but what happens if the Minister of Indigenous and Northern Affairs is shuffled out of that position and it is someone else whose priority is not justice? Are we to wait again and again?

This is truly from the heart. I was going to read some stuff, but at the end of the day I do not care about what is there. I remember listening to the lady at the Indian affairs committee. I am an Indian. I assumed that name Indian because my grandfathers call me an Indian and we use it among ourselves. I am an American Indian, a North American Indian. I am also nehiyo, even more important, Cree.

When I think about the Indian Act, it is discrimination, but it does not mean that the Indian Act must continue into the future as it is. We can make those adjustments, but today the Indian Act is so important because tomorrow it will decide who will be the citizens of the indigenous nations of this land. If people have status today, they will be citizens tomorrow. If they have no status today, there is no guarantee that tomorrow they will have that status and will be able to exercise that status within an indigenous nation, nor will they have access to their traditional territories, nor to who they are and what makes them a nehiyo, Anishinabe, an Inuit, a Métis, a Michif.

This is the basis of the future indigenous nations, taking the Indian Act, which granulated us down into little components fighting among ourselves, and hopefully we will be able to come together. Yes, it is going to be difficult. Yes, it is not going to be fun, but we need to have this debate and we need to be forced into that debate.

The indigenous leaders of our country needs to be forced to face reality as they were in 1985. No chief wanted these bastards back on their territory, yet here we are, and we are still asking to be let in. We are still banging on that door; we are still saying let us into the eastern, the southern, the western, and the northern doors. Let us into our traditional territories because we have a birthright, and it is a birthright that should not be denied in 2017.

[*Member spoke in Cree*]

[*English*]

● (2145)

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, *meegwetch* to my colleague from Winnipeg Centre. That was a heartfelt and difficult speech to make, I have no doubt. All of us who are not indigenous but wish to stand in solidarity with the indigenous peoples of this nation, as I feel as a member of Parliament, are on the horns of the dilemma of celebrating Canada 150, because I have so many pins and flags, and recognizing that it is 150 years of colonization, oppression, and as the member previously mentioned, theft. I understand the anger.

I would love to see us be able to get rid of the Indian Act in the 41st Parliament. When I discuss this with people who are more knowledgeable, they say there are certain nations that do not want to get rid of it; there are inconsistent positions.

I want to know what the member for Winnipeg Centre suggests this Parliament do to make the historical difference, to turn the page and begin the path to real justice, truth, and reconciliation.

Mr. Robert-Falcon Ouellette: Mr. Speaker, the 150th anniversary of this nation should be a year of celebration, because nation building is about people. If we do not lift people up, if we always tell them they are poor, they are hungry, if we say they are ignorant, if we tell them they have no hope in the future, what do they do? They commit suicide. They do not reach their full potential. In this case, what I am hoping for, what I would like to see, is the birthright returned to the indigenous people of this land.

In the beginning, it really was not Canada's right to take that birthright and define who is an indigenous person, but it did so. In this case, the Senate amendment brings us to a time when it is no longer Canada that is deciding, it is the registrar in a way that will determine if someone can prove they have an indigenous ancestry.

Who knows how many indigenous people there are in this country? The indigenous nations will be much stronger for it if they are there working together, because we have been divided so long. This would be a great gift for me, returning that birthright.

Mr. Dan Vandal (Saint Boniface—Saint Vital, Lib.): Mr. Speaker, I commend the hon. member from Winnipeg for his tremendous speech. Once again, he has talked about issues that are so relevant to so many people, not only in our city that we share but across Canada. There is simply so much history we cannot be proud of, beginning with Canada's relationship with indigenous people, the royal proclamation.

Our first policy toward first nations people was to Christianize. Part of the Government of Canada's policy was to make indigenous peoples Christian. From there, civilization became the policy objective, to drive the native out of the native person by any means possible. Assimilation, of course, was to make all indigenous people not indigenous, to make them Canadian. From there spawned the Indian Act, which still governs the way we deal with first nations people today, including what we are discussing today and into the future, Bill S-3.

Does the hon. member foresee a time in our lifetime, in our children's lifetime, when we will no longer have an Indian Act in our country?

● (2150)

Mr. Robert-Falcon Ouellette: Mr. Speaker, in the last Parliament there was an act passed for a Dakota First Nation and self-government. It was given 52 self-governing areas that it could legislate as it deemed it had the competence to do so as it worked toward it. It was legislated here in this Parliament. It moved beyond the Indian Act.

For me, the Indian Act is not really the problem, because there are first nations that can be successful sometimes in the Indian Act. We have seen great leadership from Chief Clarence Louie, a very great man, of the Osoyoos in B.C. The problem is that we are often divided among ourselves, and we do not share capacity among ourselves. One community might have great capacity in education, but it does not share it with another community. Another community might have great capacity in water treatment, but it does not share it with other communities. We fight among ourselves instead of sharing our human resources to make our communities better.

[*Translation*]

Mr. Stéphane Lauzon: Mr. Speaker, I would first like to thank the hon. member for Edmonton—Wetaskiwin for raising an important issue that gives me the opportunity to explain today what the Government of Canada has done—

The Deputy Speaker: Order. I believe the hon. parliamentary secretary may have begun his remarks for the adjournment proceedings. It is possible; it is merely an opinion.

[*English*]

I see the hon. member for Winnipeg Centre on his feet. The hon. member has spoken to the question before the House at this stage of the bill, so he really has used up his time for this particular stage of the bill before the House.

Resuming debate, the hon. member for Saanich—Gulf Islands.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I am rising to speak to this bill but doubt very much that I will use a full 10-minute or 20-minute slot. I realize that debate is on the verge of collapsing. I only wish to say more than I was able to say earlier in questions and comments.

It is lamentable that we approach something as critical as the injustices, embedded racism, and deep discriminatory aspects of the Indian Act in an attempt to deal with a deadline for one court case. I think it is unfortunate that the bill began its course in the Senate and has come to us with an important amendment that is not supported by the government but which to many of us on this side of the House, and certainly I think to some others on the Liberal benches, is the only thing that makes it possible to vote for the bill. The amendments that come from the other place would ensure that all gender discriminatory aspects have been removed. It is only through the elimination of the gender discriminatory aspects that one could imagine voting, at least on this side of the House, for the legislation.

I recognize that the policy downsides for the government are the vast unknowns and how many people would then become status Indians within the meaning of the Indian Act and whether there would be knock-on effects and unintended consequences. This is a difficult place for parliamentarians to find themselves.

As we deal with this bill, I remind us all, only at second reading, normally it would be a bill on its way to committee. However, as we heard from members of the committee, particularly the member for Peace River—Westlock, they cannot say how they will vote on this bill until the committee finishes its work. Therefore, we find ourselves in a doubly, perhaps triply, awkward space.

As a parliamentarian, I try to stay on top of all my files. However, Bill S-3 is one that I find not ready for vote in this place. It is going to committee, but I very much fear that positions are already entrenched. The government does not want to approve the amendments that came forward from the Senate. Those amendments are the only things that actually eliminate all the discriminatory aspects of who can inherit the status of their parents, grandparents, and so on. It is certainly an appalling situation that we live under this act, where it is people outside of indigenous communities who decide who is indigenous and who is not. Therefore, the vast Gordian knot of Bill S-3 will not be fixed in this second reading debate tonight.

Given time pressures to get this through by July 3, I doubt very much that it can be fixed at the committee that will now study it before it comes back to this place at report stage. I just want to register, as strongly as I can, a plea that we not treat this as something to deal with using a quick fix for a specific problem but that as much as possible, we open our minds to the bigger question of how we, in 2017, 150 years from Confederation, commit to striking down the oppressive colonial discriminatory act on which South Africa's apartheid was based. We all know this.

It is an appalling situation that our friend from Abitibi—Baie-James—Nunavik—Eeyou identified. He identified that under the Indian Act, the minister could decide to nullify his personal will and bequest to his family. It is appalling that in 2017, this is still the law of the land, and we are dealing with one piece of it.

I would urge the committee if it can, and the minister and the government if they possibly can, to use this opportunity to signal that we want to get outside, beyond, and out from under this discriminatory piece of legislation. It will be way beyond the mandate of amendments to this bill to actually fix the Indian Act. I know that. However, can we make some bigger commitments to get out from under a racist and discriminatory piece of legislation before the end of the 41st Parliament? If we just push it down the road to another parliament, it will not get rid of it either. There will always be an excuse for why we are not ready.

● (2155)

As the member for Winnipeg Centre asked, how long does a man have to wait for justice? How long does a woman have to wait for justice? How long do first nations children have to wait for equal funding under a law, which they have already been promised? It has been far too long. When I see the calls from Idle No More for July 1 to be about unsettling, I sympathize so deeply with that and understand it, but if anything has defined the response of indigenous peoples on this continent to cultural genocide, abuse, and oppression, it is patience. It is such a deeply moving degree of tolerance and patience for the oppression from settler society.

I cannot add much to the Bill S-3 debate. I cannot vote for Bill S-3 unless it includes the amendments that the other place sent us that create a situation where there will not be gender discrimination, but it is within the fabric of a bill that is entirely about racial discrimination. Therefore, I urge us to do something better and something more with every opportunity that comes our way.

● (2200)

Mr. Robert-Falcon Ouellette (Winnipeg Centre, Lib.): Mr. Speaker, I think the member was quoting "Equality is actually the law", which Dr. Palmater told the commons committee. She said, "The fact that the government or any committee would be wondering or considering delaying equality for one more day shows exactly how ingrained sexism is in this country—and for Indigenous women, racism." I do not quote Dr. Palmater lightly. I know she does not like me very much online. She is one of my great critics and I appreciate that criticism, especially of the way I speak Cree. It is not great Cree.

This is such a difficult thing. I was speaking with my colleague, the member for Spadina—Fort York. We are talking about INAC itself and how the time has come to consider a new department in which we can build trust, to create a new department that does not deal with the Indian Act but with the way we want things to be, so that we start winding down Indigenous and Northern Affairs Canada and create a new culture in this new department where trust and partnerships can be had with the indigenous peoples of this land to figure out how we want to move forward. It is not that people in INAC are bad people. Sometimes good people do bad things. Nonetheless, perhaps the time has come to look for a different vision for this department.

Ms. Elizabeth May: Mr. Speaker, I began my speech without acknowledging that we are on the territory of Algonquin peoples, unceded and sovereign. It is a very difficult thing. I agree that I was slightly paraphrasing Dr. Palmater, but her testimony made it clear that we are to be within the United Nations Declaration on the Rights of Indigenous Peoples, as we were supposed to be as it was one of the commitments going forward into the new Liberal government, although I am sure the justice lawyers are advising that there are all kinds of problems.

I mentioned in one of my questions and comments earlier tonight that I am enormously excited and pleased that the new government in British Columbia, the New Democrats and the Green Party, will be completely committed to operating under the UN Declaration on the Rights of Indigenous Peoples as legal requirements of the new B.C. government. That will help, I think, the federal level and in other jurisdictions to see how it is done.

However, we should be thinking in the ways the member for Winnipeg Centre suggested, perhaps not exactly in those words and not exactly that solution, but all of the advice that has come to us from experts, scholars, and the leadership in indigenous communities is that the UN Declaration on the Rights of Indigenous Peoples needs to guide us, which would mean that the Indian Act is completely incompatible with those recognitions of rights. That means we have to be prepared to take some very large steps. Of course, nothing we do as non-indigenous people can be done in this area without leadership from the indigenous leadership, first nations, Inuit, and Métis.

Mr. Dan Albas (Central Okanagan—Similkameen—Nicola, CPC): Mr. Speaker, as a fellow British Columbian, I have a question for the hon. member. Earlier I raised the question with the minister directly about the issue of consultation.

I have met with first nations chiefs in northern B.C. They talked about their desires and their dissatisfaction that the government moved forward the moratorium on tanker traffic off the coast of British Columbia without any consultation whatsoever. I know the member would like to see that moratorium go forward, because she believes it is the proper way to go.

First, does the member think it is appropriate for the government to move forward with something like that without proper consultation?

Second, does she have any thoughts about the future of consultations and whether the current government is doing all it can do to ensure those consultations are thorough?

● (2205)

Ms. Elizabeth May: Mr. Speaker, I certainly believe it is appropriate to move forward with a northern British Columbia coastal tanker ban. It is very consistent with the territory and the waters surrounding particularly Gwaii Haanas, Haida Gwaii. The council of the Haida Nation has been very clear in its sovereign authority that it does not want oil tanker traffic along its coasts.

The member's question was specifically to consultation. In the context of Bill S-3, it was put best by Professor Palmater, when she said, "There is simply no legal mechanism by which to consult out of gender equality." Some topics are open to consultation. Matters of rights, of constitutionally protected rights, of interpretation of the United Nations Declaration on the Rights of Indigenous Peoples are less open to consultation than other decisions.

Changing the Indian Act, for instance, will be a subject of massive complications.

The difficulty with consultation as we experience is it depends on the topic. The experience first nations have had with consultations for a very long time has been that once a government has made up its mind what it wants to do, it then comes and consults as a formulaic matter, so it can put a check mark and tick a box saying there were consultations. That is not real consultation. We all have a long way to go at all levels of government with respect to genuine consultation.

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, I want to pick up a comment made by my colleague on the government side, the member for Spadina—Fort York. He said that he and the government felt uncomfortable proceeding with the amendments proposed by the Senate because there was not unanimity. It was not a slip of the tongue. He used that phrase repeatedly in his comments, saying that it was imprudent to move forward until we had unanimity.

Would my hon. colleague comment on whether she thinks we require legislative unanimity in this case to move forward on these amendments from the Senate, or does she feel comfortable and confident moving forward with the Senate amendments to take out the gender inequity in the Indian Act now? We obviously have the democratic expression of the House and clearly a majority of the Senate, albeit not unanimous?

Ms. Elizabeth May: Mr. Speaker, I have no difficulty going forward with the Senate amendments as written. I also recognize there could be, and there likely will be, unintended consequences, knock-on effects and policy results that are awkward, difficult and will pose challenges to the department.

Therefore, our job should be to eliminate gender discrimination and move forward with the Senate amendments, while we try to identify, as much as is possible, what problems that change will cause, for instance, in the numbers of people who would then qualify, and whether there are certain communities where the percentage of people who turn out to vote in certain nations is a requirement. That is a very odd requirement, but if we suddenly quadrupled the number of people in the community and it needs a 25% turnout for the election to be considered valid, that is a problem, if getting rid of gender discrimination increases dramatically the numbers of people in that community. The solution to me is not to say we must continue with discrimination based on gender, but to say we better revisit those agreements that create those unfairnesses, which will create problems down the road.

As much as possible, we should do the right thing and deal with unintended consequences. We should not do not decide to do the wrong thing because we cannot properly imagine all the consequences of our decision.

Mr. Robert-Falcon Ouellette: Mr. Speaker, change is always hard. Many of our chiefs are honourable people who really want to see the best for their communities. I travelled 900 kilometres across Saskatchewan and Manitoba, and I went to 41 first nations communities.

My mission statement, when I became a member of Parliament, was to give voice to those who are not heard. In this case, women are not often heard in our communities, so it really has been my mission to give them their voice, to make sure they are heard in this chamber, to make sure that everyone is heard. I tell the chiefs they also must give voice to those who are not heard, they are cousins to their brothers and sisters, because they are asking it of them and the ancestors are asking it of them.

● (2210)

Ms. Elizabeth May: Mr. Speaker, the conversations we need to have as Canadians about what truth and reconciliation really means are beginning tonight in this place, although they really began with the report of the Truth and Reconciliation Commission. The conversations are difficult, but we do need to start them. As parliamentarians we can start by asking how soon we can get rid of the Indian Act, and how can we do it. We cannot do it without the support and guidance of the communities and the citizens most impacted, which are of course indigenous communities. The day is coming soon when we will take action.

The Deputy Speaker: Resuming debate? Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the yeas have it.

I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on Indigenous and Northern Affairs.

(Motion agreed to, bill read the second time and referred to a committee)

[*Translation*]

The Deputy Speaker: The hon. member for Laurentides—Labelle on a point of order.

[*English*]

Mr. David de Burgh Graham: Mr. Speaker, I would seek the consent of the House to see the clock at midnight.

[*Translation*]

The Deputy Speaker: Is it agreed to see the clock as midnight?

Some hon. members: Agreed.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

PERSONS WITH DISABILITIES

Hon. Mike Lake (Edmonton—Wetaskiwin, CPC): Mr. Speaker, today I am going to be talking about the Canadian autism partnership. Again, as I did the last two times I talked about it, I am asking my question on Facebook Live.

For those watching on Facebook right now, it is interesting to note that just a few minutes ago something happened that really highlighted the ridiculousness of the Liberal position on this question. The parliamentary secretary who is supposed to answer my question in a few minutes actually rose before I asked my question, mistakenly, and started to read his answer to a question that I had not even yet asked.

I want people who are watching this on Facebook to understand that this is exactly what has been happening time and time again. Liberal parliamentary secretaries and ministers are reading talking points given to them by their leadership on the Canadian autism partnership in order to justify something that is completely unjustifiable.

To give a little bit of background on the Canadian autism partnership, in budget 2015 our former Conservative government put $2 million toward the establishment of a working group to work on the Canadian autism partnership and to bring a proposal to the government. This was a working group of 12 experts from across the country, experts from the research field, experts who are stakeholders, and experts who are family members. They worked with a self-advocates advisory group of seven incredible self-advocates. They went across the country and listened and talked to every single provincial and territorial government. They talked to almost 5,000 stakeholders who weighed in on the establishment of the Canadian autism partnership proposal.

That partnership proposal was brought before the Liberal government in the form of a budget request for $19 million over five years. It was just $3.8 million a year, a dime per Canadian per year for the establishment of a Canadian autism partnership, which would bring an evidence base, bring experts together to advise governments in their jurisdiction on the many challenges facing Canadian families living with autism and Canadians living with autism. They would provide advice on matters ranging from early intervention to education to housing to transition to the workforce, to answer that question, "What happens when, as parents, we pass away and our kids are left alone without the only parents they have known?", and to answer these big questions using an evidence base from around the world on best practices.

It was turned down in the budget. Then we had a vote on the motion to establish the Canadian autism partnership in this House just a couple of weeks ago. Every Liberal member voted against that motion.

The Liberals brought up interesting points in their talking points. They brought up the fact that the government is consulting and continuing to have meetings on accessibility legislation, and I am sure we will hear more on that. I am going to quote the NDP member for Esquimalt—Saanich—Sooke who said, very wisely—and this is the third time I have read it:

> ...we have heard yet another one of those speeches that talks about consulting people, thinking about it, working on it later, and finally coming to a conclusion sometime over the distant horizon.

I suspect we are going to hear the parliamentary secretary talk about the fact that the government is investing in "Ready, Willing and Able", autism surveillance, and $39 million in research. Then he will probably list a bunch of organizations, most of whom are on the Canadian autism partnership working group, that are strongly in favour of the Canadian autism partnership.

I am wondering if maybe the parliamentary secretary could set aside his talking points this time and maybe explain how every single Liberal member of Parliament but one could possibly have voted against the Canadian autism partnership while every Conservative member, every New Democratic Party member, and every Green Party member in this House voted unanimously in favour of it.

● (2215)

Mr. Stéphane Lauzon (Parliamentary Secretary for Sport and Persons with Disabilities, Lib.): Mr. Speaker, I will start by thanking my colleague from Edmonton—Wetaskiwin for his hard work on this file.

[*Translation*]

I also want to thank him for raising this issue.

[*English*]

I apologize about being a little too fast, but it is always the same question.

[*Translation*]

The member opposite has asked us the same questions several times now and we have given him the same answers. In his question he even mentioned that he has repeated himself three times.

We have had a chance to discuss this together. He came over to this side of the House and asked us his question. I am therefore very much aware of the question the member is asking today.

Despite the tremendous progress achieved on the inclusion of people with disabilities, we know that a lot of work still needs to be done.

Let us face it, people with autism face enormous challenges every day, and one of the most important is certainly finding employment and building a better future for themselves. That is what matters. Over half of all adults with autism are unemployed.

A more inclusive Canada is good for employers and good for businesses. That is why our government strongly encourages employers to make the most of the remarkable talent of people with disabilities and people with autism.

Through the disability component of the social development partnerships program, our government supports projects intended to improve the participation and integration of people with disabilities in Canadian society.

For example, Meticulon Consulting created an innovative assessment model that is used to train and support people with autism spectrum disorder, help them get involved, meet their needs for social inclusion, and identify their potential.

My wife has dedicated much of her life to working with people with autism, and she continues to do so. I have been interacting with people with autism for 16 years and we sometimes meet young families that include a successful young adult with autism. It is by providing people with autism with the programming and support that they need that we can give them a better future. This also requires the assistance of people who are passionate about helping those with autism.

Tim Hortons is another good example. It hires young people with disabilities so that they can be successful in their everyday lives.

● (2220)

[*English*]

Through Ready Willing & Able, as my colleague on the other side said before, an initiative funded in part by the Government of Canada's opportunities fund for persons with disabilities, many organizations are raising awareness and bridging the employment gap for people with intellectual disabilities and those with autism.

Ready Willing & Able is a great success. As a matter of fact, it was recently recognized at the Zero Project Conference in Vienna, Austria, for its important work. Employers have to start looking beyond the disabilities and realize the potential of people's abilities.

The Government of Canada's enabling accessibility fund program is designed to do just that. Budget 2017 announced an additional $77 million over 10 years to expand the enabling accessibility fund's activities. This new funding will enable the program to support more small and mid-sized projects in communities and workplaces throughout Canada.

[*Translation*]

In conclusion, to help families that have to take on a heavier financial burden to care for a severely disabled child, we will continue to provide the child disability benefit, which represents nearly $2,730 per eligible child, for the disability tax credit.

Finally, we are developing legislation. We are currently working on a bill. My colleague opposite knows perfectly well that we are working on a new bill and that I am acting as a spokesperson for people with autism as part of the consultations.

[*English*]

Hon. Mike Lake: Mr. Speaker, oftentimes accompanying the talking points are messages of thanks to me for the work I do on autism, and promises to work with me in moving the issue forward. I will gladly work with anyone who wants to improve the lives of people living with autism. However, I do not work alone. There are hundreds of autism organizations in the country. There are almost 5,000 people who were consulted on this. The work here has already been done. With over two years of work and $2 million of taxpayer dollars put toward the establishment of the business plan for the Canadian autism partnership, that work has already been done.

What I am asking directly of the member, and every other Liberal member I talk to on this, is how he could possibly have voted to reject the Canadian autism partnership and all of the work from the incredible people who put their time and energy into it.

[*Translation*]

Mr. Stéphane Lauzon: Mr. Speaker, I am proud of the programs and initiatives put in place by our government. I am proud that this side of the House has a member who cares so much about autism and is working hard on that issue. I invite everyone in the House to work with me and our departments to improve the lives of people with autism. We are also in the process of consulting people across Canada.

[*English*]

Coast to coast to coast, I met groups. I met associations, I met people with disabilities, and people with autism in my personal office. I am still working on this. I will be there. We are still working on it. We are doing the right thing for the future.

[*Translation*]

CANADA REVENUE AGENCY

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, I am very pleased to pick up on a question that I asked during question period. This is an opportunity for me to push a little harder for some answers. We always hope for answers during question period, but adjournment debates give us a little more time to dig a little deeper.

I am hoping for some answers that are a little more detailed and less repetitive than what we have been getting from the Minister of National Revenue. Maybe I will have better luck with the parliamentary secretary. I hope she will not do what her colleague did, which was read his prepared response before he even heard the question.

Having said that, I would like to talk about the KPMG affair, which I asked the Minister of National Revenue about in the House of Commons. I asked her a specific question about whether new criminal charges would be laid, and we hope they will, against those who clearly tried to hide money from the Canada Revenue Agency. These people deposited large sums of money on the Isle of Man, a notorious tax haven with very low corporate tax rates. They hid that money on purpose to avoid paying their fair share of taxes here in Canada. The strategy was set up in the early 2000s and was used by wealthy Canadian families. Fortunately, the scheme was discovered and, thanks to a number of media outlets, some of those taxpayers were even identified.

The problem in all this is that although we know the identity of some of these taxpayers, the Canada Revenue Agency may know of others that the public is not aware of. We hope to get more names from KPMG, the firm that set up the scheme and provided assistance. We hope that once the CRA has these names it will hand out real penalties and be tough on these people who were caught red-handed evading taxes and defrauding the agency.

People who commit this type of fraud defraud all Canadians. When some people decide not to pay their fair share, then all the other taxpayers have to pay a bit more to get the services that they expect from their government.

These people have still not been punished. Worse yet, there were secret deals between the Canada Revenue Agency and these taxpayers, which let them off the hook. They were asked to pay a certain sum of money to bring down the penalty. They were then told that the matter would be dropped and they would be as free as a bird. These are the secret deals that the media reported on. We saw documents signed by Ms. Henderson, a manager at CRA.

During the question period I am referring to, I asked the minister to tell me when there would be criminal charges and when the matter would be handed over to the director of public prosecutions so that he could lay charges for fraud and tax evasion against the taxpayers who used the KPMG scheme.

I not only asked what would be done, but I also asked whether the minister would commit to truly seeing this through. Unfortunately she made no such commitment. She did not make any promises. This is an opportunity for the parliamentary secretary to make a clear commitment regarding criminal charges against KPMG clients.

● (2225)

[*English*]

Ms. Kamal Khera (Parliamentary Secretary to the Minister of National Revenue, Lib.): Mr. Speaker, before I begin, I would like to remind the member that if he asks the same question, he will get the same response.

I welcome the opportunity to speak to my colleague about the actions that our government and the Canada Revenue Agency have taken to crack down on offshore tax evasion and aggressive tax avoidance. Most Canadians pay their taxes on time and the taxes that they owe, but some wealthy individuals try to buy their way out of paying taxes by using abusive offshore schemes. This is not fair and it will not be tolerated.

The government and the CRA have taken action to identify tax cheats by focusing resources in the areas of highest risk, both domestically and internationally. With increased information gathering capabilities and better tools at its disposal, the CRA now has access to more information than ever before.

In fact, it is through the efforts of the CRA that the KPMG offshore tax avoidance scheme was discovered in the first place. The CRA is pursuing various offshore tax evasion related cases in court and intends to pursue them to the fullest extent possible.

In fact, the CRA has uncovered a number of additional tax schemes and it is analyzing these additional structures to identify any similarities with the current schemes under review. The CRA is analyzing these to identify any similarities with the Isle of Man structures and where appropriate, will take actions to recover revenues. Make no mistake, whether it is a complex corporate structure using offshore jurisdictions of concern or profit shifting schemes that are used to evade or avoid tax, the CRA is committed to identifying and addressing non-compliance.

Our government is increasing its efforts and we are seeing early signs of success. This year, the CRA's audit activities are on pace to raise assessments of over $13 billion. Two-thirds of these recoveries are the result of audit efforts related to large businesses and multinational companies.

Furthermore, through federal budget funding in 2016 and 2017, the government has committed close to $1 billion to cracking down on tax evasion and combatting tax avoidance. With this funding, the CRA is adding to its audit activities by enhancing its efforts on a number of other fronts, including expanded systems for information sharing, legal expertise, and targeted compliance activities aimed at high-risk taxpayers, including those with high wealth.

Budget 2016 investments are expected to uncover an additional $2.6 billion in revenue for the crown over the next five years, and for budget 2017, an additional $2.5 billion over the next five years.

Tax cheats can no longer hide. We take these matters extremely seriously. Those who choose to participate in such aggressive schemes must face the consequences of their actions. This is what Canadians expect from their government and that is exactly what we will continue to deliver for Canadians.

● (2230)

[*Translation*]

Mr. Pierre-Luc Dusseault: Mr. Speaker, I thank my colleague for her response.

In any event, I would like to come back to another matter. We learned recently that a tax information exchange agreement has been reached with the Cook Islands, and this has been roundly criticized by several experts in the field. Experts agree that these tax information exchange agreements do not achieve the lofty aims they are said to achieve, namely, facilitating the exchange of information and strengthening the fight against tax evasion. On the contrary, experts are saying that these agreements facilitate tax avoidance and tax evasion and that they merely make something that is illegal today legal tomorrow. That is exactly how the experts described them.

Can my colleague respond to those criticisms regarding tax information exchange agreements, and specifically the one reached with the Cook Islands, which will be signed shortly?

[*English*]

Ms. Kamal Khera: Mr. Speaker, as I said, the Canada Revenue Agency is getting concrete results by cracking down on tax cheats on many fronts. For example, just today, investigators from the Canada Revenue Agency and the U.K.'s tax authority executed search warrants both in Canada and in U.K. as part of an ongoing international investigation into an alleged tax-fraud scheme.

This year CRA is focused on collecting taxes owed in the interests of all Canadians. As my hon. colleague is fully aware, CRA has been tracking international electronic fund transfers of over $10,000. So far, because of these efforts, a total of 41,000 transactions have been analyzed, equalling over $12 billion in funds being transferred worldwide. These transactions are being analyzed to detect any tax avoidance. These efforts are making our tax system fairer and more responsive to all Canadians. Our government is delivering on its commitment, and we will continue to do that.

● (2235)

THE ENVIRONMENT

Ms. Linda Duncan (Edmonton Strathcona, NDP): Mr. Speaker, I am hoping that I get a more direct answer to the questions that I put here tonight, which we are not getting to the other questions.

On March 6, 2017, I posed a question to the Minister of Environment and Climate Change regarding concerns raised by three first nations and four Métis communities about the proposed use of untested solvents for extraction of bitumen through in situ processes, solvents including benzene and other toxins. Parallel concerns are being raised by the Pembina Institute.

The concerns relate to potential contamination of ground water and surface water, sources that these communities rely on. The minister has refused to intervene despite her discretionary power under the Canadian Environmental Assessment Act to call for such a review where she deems an activity may, one, adversely affect the environment; or two, cause public concerns. The minister has chosen not to exercise this power, despite yet unknown and untested effects of injection of these solvents into ground water, and despite broad public concerns voiced, including by the communities potentially directly impacted.

The minister also holds broad powers under the Canadian Environmental Protection Act to take actions to assess and control the use of harmful toxic substances, potentially posing harm to health or the environment. It is worth noting here that during the recently completed review of this act, testimony was heard recommending strengthened measures and action to deliver the duties under this law to prevent harm from toxins, including expanded measures regarding the oil and gas sector. It should be noted that another authority, the Minister of Health has a mandatory duty to initiate investigations and action where she is made aware that a substance may pose harm to health

The refusal to address the concerns raised by these particular indigenous communities is just one more example of the failures of the current and past federal governments to respond to ongoing calls for a baseline health study of communities impacted by oil sands operations, requests made almost a decade back during parliamentary committee studies on the impacts of oil sands on water.

Will the minister now finally consider revising the terms of reference for the strategic assessment on impacts by Site C and oil sands on the Peace, Athabasca, and Slave watersheds to at least examine potential risks posed by the proposed use of solvents on waters that indigenous peoples rely upon?

Ms. Kim Rudd (Parliamentary Secretary to the Minister of Natural Resources, Lib.): Mr. Speaker, I am pleased to address the question by the hon. member for Edmonton Strathcona regarding Imperial Oil Resources Ventures Limited's Aspen solvent-assisted steam-assisted gravity drainage project.

Our government is ensuring environmental risks linked to development are addressed before projects proceed. After an analysis of the facts and science, the advice provided by expert federal departments, as well as consideration of existing regulatory mechanisms in place to deal with the potential environmental effects of the project, the Minister of Environment and Climate Change decided not to designate the project under the Canadian Environmental Assessment Act.

This act applies to projects described in the regulations designating physical activities. In situ projects, such as the Imperial Oil project, are not designated under those regulations.

In considering her decision, the minister noted the sufficiency of other regulatory measures in place, notably that that the project is subject to a comprehensive regulatory regime in Alberta. This project has undergone a provincial environmental assessment under Alberta's Environmental Protection and Enhancement Act, which assessed the proposed solvent-assisted steam-assisted gravity technology.

Federal departments such as Fisheries and Oceans Canada, Transport Canada, and Environment and Climate Change provided input on potential environmental issues related to their expertise and responsibilities. Should the project proceed, it would also be required to satisfy any relevant federal regulatory requirements under the Fisheries Act, the Migratory Birds Convention Act, and the Species at Risk Act.

Our government is committed to renewing its relationship with indigenous peoples based on trust, respect, and co-operation. This is why our government launched a review of environmental assessment processes in Canada to ensure that the process includes meaningful consultation with indigenous peoples and that government decisions are based on science, facts, and evidence.

Our government will continue to work with indigenous peoples as we consider options for legislative, regulatory, and policy changes. Consulting with indigenous peoples and benefiting from their traditional knowledge is of the utmost importance to this process. Together, we will continue to demonstrate every step of the way that building a strong economy goes hand in hand with protecting the environment.

● (2240)

Ms. Linda Duncan: Mr. Speaker, I am stunned. I will give the hon. member an opportunity to correct the record. Misinformation was given by the minister in this place and by her officials at committee yesterday as to whether they have consulted the Mikisew Cree on these concerns that they have raised.

It is important to note that the UNESCO investigation found that in fact the government has abjectly failed to deliver the responsibilities under legislation to look into these kinds of impacts of the oil sands on this area.

I am giving an opportunity to the hon. member to correct the record and perhaps today to finally reach out and deliver the promised consultation to the Mikisew Cree, the other first nations, and the Métis peoples on these concerns.

Ms. Kim Rudd: Mr. Speaker, our government believes that it is important and essential to rebuild Canadians' trust in our environmental assessment processes in order for Canada to attract the investments we need to sustainably develop our energy resources. This means we need to engage with Canadians, conduct meaningful consultations with indigenous peoples, and base our decisions on science, facts, and evidence.

Our government recognizes the importance of creating jobs and economic growth. We have been very clear that the focus is on moving the environment and the economy forward hand in hand. We know that sustainable and responsible development is achievable, and that in the 21st century, it is the only way to get our resources to market.

[*Translation*]

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 10:42 p.m.)

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