



CANADA

House of Commons Debates

VOLUME 140 • NUMBER 020 • 1st SESSION • 38th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Tuesday, November 2, 2004
(Part A)

—

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, November 2, 2004

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

• (0955)
[English]

CANADA ACCOUNT

Hon. Mark Eyking (Parliamentary Secretary to the Minister of International Trade (Emerging Markets), Lib.): Mr. Speaker, on behalf of the Minister of International Trade, I have the honour to table, in both official languages, the Canada Account's annual report of 2002-03, prepared by EDC, Export Development Canada.

* * *

• (1005)

EXPORT OF MILITARY GOODS

Hon. Mark Eyking (Parliamentary Secretary to the Minister of International Trade (Emerging Markets), Lib.): Mr. Speaker, I also have another report to table on the export of military goods from Canada, 2002.

* * *

COMPETITION ACT

Hon. Andy Scott (for the Minister of Industry) moved for leave to introduce Bill C-19, an act to amend the Competition Act and to make consequential amendments to other acts.

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

* * *

FIRST NATIONS FISCAL AND STATISTICAL MANAGEMENT ACT

Hon. Andy Scott (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, Lib.) moved for leave to introduce Bill C-20, an act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other acts.

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

PETITIONS

FIREARMS REGISTRY

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Speaker, thousands of Canadians, because of no fault of their own, now possess unregistered firearms. Any individual who now tries to register a firearm is under threat of federal prosecution.

The petitioners are calling upon Parliament, the Department of Justice and the Government of Canada to call an immediate amnesty for all unregistered firearms or, in the absence of an amnesty, scrap the firearms registry completely.

* * *

QUESTIONS ON THE ORDER PAPER

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

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

* * *

TAKE NOTE DEBATE

Hon. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, discussions have taken place among all parties concerning tonight's take note debate on hepatitis C and I believe you would find unanimous consent for the following motion:

That when the House begins the debate on Government Business No. 3 pursuant to Standing Order 53.1 later this day, no quorum calls, dilatory motions or requests for unanimous consent shall be entertained by the Speaker; and that if a member wishes to divide his or her speaking time, he or she may do so by indicating this to the Chair.

• (1010)

The Deputy 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)

GOVERNMENT ORDERS

[English]

CRIMINAL CODE

The House resumed from November 1 consideration of the motion.

Government Orders

Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, picking up from where I left off last evening, the second change that would enhance safety is the inclusion of those individuals found not criminally responsible by reason of mental disorder within the DNA data bank scheme. We currently have in the House Bill C-10 which proposes important changes to the provisions of the Criminal Code dealing with the mentally disordered offender.

While Parliament rightly does not submit persons who have a mental disorder conviction to imprisonment because of their diminished responsibility, we must remember that these persons have been found beyond a reasonable doubt to have done the act that constitutes the physical element of the offence. It is clear they may be very dangerous and so they are made subject to the jurisdiction of a provincial review board.

By making it possible for a judge to order that their DNA profiles be included in the DNA data bank, we may be solving crimes that they have committed in the past. As well, if they should be released and commit a crime where they leave their DNA, we will solve that crime.

Members should remember, however, that having their DNA in the data bank could be a benefit to a mentally disordered offender who has been released into the community. In the event of a crime similar to the one for which they were tried being committed near where they reside, they are likely to be suspects. However, if their DNA does not match the DNA from the crime scene, the police will know they were not involved and leave them undisturbed.

Another important change is creating a process for compelling the offender to attend at a specified time and place to provide a DNA sample. The current legislation requires that a DNA sample be taken at the time the person is convicted or as soon thereafter as is feasible. This has proven unworkable on the ground in some jurisdictions. The police cannot always have a trained officer attending at every court and so the courts have been ordering offenders to present themselves at the police station at a specified time. Unfortunately, this procedure was not foreseen by the Criminal Code so there is no express provision for issuing a warrant to arrest the person if he or she does not show up. Some offenders who should be in the data bank have not shown up and the police need the tools to make the court order effective.

Bill C-13 would permit a judge to make an order for the taking of a DNA sample at a time other than the imposing of the sentence. It also provides a warrant for the arrest of the person if the person fails to appear for that DNA sampling. As a result of consultations with the provinces, the warrant will be for the purpose of taking a sample rather than for the more usual arrest and bringing the offender back to the court that made the order. This means that an offender convicted in Toronto who skips and then is subsequently arrested in Vancouver will not have to be flown back at great expense to have the finger pricked for that test. The Vancouver police will be able to do it under the DNA data bank order.

While it is not known how many offenders have failed to show up, I understand this is a major concern for the police. We should move swiftly to fix this problem.

The most important changes proposed by Bill C-13 are the changes in the list of designated offences covered by the DNA data bank scheme. The list of designated offences is the lynchpin of this legislation. A DNA warrant can only be granted for a designated offence and the crime scene index only contains DNA found at the scene of or on the victim of a designated offence.

It is very important that the members of the House consider sending the legislation immediately to the committee so that we can put in place those issues that I have been outlining here today. They are of great concern to the police, the provinces and those of us in the House.

• (1015)

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, I rise today to participate in the debate on Bill C-13. The purpose of the legislation before us today is to broaden the provisions governing the national DNA data bank.

In 1998, Bill C-3, an act representing DNA identification, was enacted. This legislation created a new statute governing the establishment and administration of a national DNA data bank and amended the Criminal Code to permit a judge to make a post-conviction DNA data bank order. These orders authorized the taking of bodily substances from a person found guilty of designated Criminal Code offences in order to include the offender's DNA profile in the national DNA data bank.

The DNA data bank, which was officially opened on July 5, 2000 here in Ottawa, is maintained by the RCMP.

The party that I represented at the time Bill C-3 was enacted was firmly committed to restoring confidence in our justice system by providing law enforcement agencies with the latest technological tools to quickly detect and apprehend criminals. We did not support Bill C-3 because we believed that it blatantly denied police the full use of the technology that was available at the time.

In 1998, there were literally hundreds of unsolved rapes and murders outstanding in the country. However, because Bill C-3 did not allow for the retroactive taking of samples from incarcerated criminals, other than designated dangerous offenders, multiple sex offenders and multiple murderers, these cases remained unsolved.

Fortunately, Bill C-13, the bill before us today, does expand the retroactive provisions for DNA sample collection orders.

Government Orders

If enacted, Bill C-13 will allow judges to order that DNA be taken from anyone convicted of one murder and one sexual offence committed at different times before the DNA data bank legislation came into force.

To illustrate the importance of DNA technology, especially involving old murder cases, and to encourage the government to expand the list of designated offenders from which retroactive samples can be taken, I would like to read a portion of an article that appeared in the *Ottawa Citizen* on July 15, 2004. It states:

Sometime in the early hours of Aug. 27, 1991, Richard Mark Eastman broke into the Mississauga apartment of Muriel Holland...a 63-year-old former playwright and model.

Eastman, 48, raped and strangled Holland while her 95-year-old father slept in the next room. Although Peel Region police obtained a partial thumbprint and a DNA sample from the crime scene, their investigation into this brutal attack led nowhere for a decade.

The key break in this cold case would have to wait until after June 30, 2000. Then, after years of debate and false starts, parliament proclaimed a bill that would create a national DNA data bank.

The article went on to state:

Peel Region investigators didn't know it at the time, but the timing of the bill meant they were involved in what would become a landmark case. They sent a DNA sample from Holland's rapist to the new data bank on Nov. 28, 2000. The sample was stored in a database that indexes DNA evidence obtained, but not yet identified, at crime scenes.

Separately, the DNA data bank maintains profiles of serious criminal offenders. A sample from Eastman, who had been convicted in 1995 of sexual assault, was forwarded to the data bank on May 4, 2001. Within hours, data bank scientists matched Eastman's DNA profile to the Holland case.

Two days later, Peel Region police charged Eastman with murder—making this the first homicide case that emerged as a result of a cross-match between the two main databases in Canada's DNA data bank.

I would like to point out that there would have been many more matches if in 1998 the Liberals had seen the wisdom in expanding the retroactive provisions for the DNA collection orders as recommended by our party and as recommended by the Canadian Police Association.

The Canadian Police Association recommended the list of convicted offenders, from which retroactive samples could be taken, be greatly expanded.

The CPA, with our full support, also strongly advised that DNA samples be taken at the time of arrest as opposed to the time of conviction to prevent potentially dangerous offenders from fleeing before their court date.

The CPA also expressed concern about a provision within Bill C-3, which allowed judges to exempt offenders from having a DNA sample taken if the judge believed that it would impact an individual's privacy and security.

● (1020)

This unnecessary and dangerous exemption has not been removed under the new legislation, nor have the other issues raised by the police officers all across the country. Those issues similarly have not been addressed in the legislation.

I would therefore suggest that the concerns raised by the Canadian police in 1998 should be raised again. Their concerns I am sure will be nothing more than dismissed by the Liberal justice minister.

On a final matter, I have serious concerns that the legislation does not address the backlog within the RCMP evidence recovery units.

In August 2003, I received some information, which I relayed to the then solicitor general, regarding the closure of the RCMP recovery units in Regina and Edmonton at the end of 2004, as well as the closure of the Halifax unit in March 2005. I expressed my concerns about these closures because of the serious and detrimental effect these closures would have on the timely examination of criminal evidence, especially DNA. My concern was based on the evaluation of the auditor general regarding the large case backlog within the RCMP laboratory system.

Since 1997, the RCMP forensic laboratories have been undergoing changes with the introduction of the DNA technology. Limited funding, insufficient resources and an increased workload due to this new technology resulted in a backlog in 2001 of 900 cases requiring DNA examination being stalled. This backlog prompted the auditor general to recommend a reorganization in order to gain increased efficiencies.

Unfortunately, the Liberal government took this to mean the closure and centralization of evidence recovery units, which will, in my opinion, complicate the process not ease the backlog.

My concerns, although never properly addressed by the solicitor general, were confirmed by a news article in the *National Post* on October 9, 2003 which read:

Joe Buckle, the RCMP's assistant commissioner in charge of forensic laboratory services...acknowledged, however, that the RCMP's forensic labs have not received a funding increase in the past five years.

Moreover, he did not dispute that in the first eight months of this year, 74% of the RCMP's most serious DNA cases failed to meet the Mounties' own 15-day analysis deadline.

Scientists familiar with the RCMP's six forensic labs paint a much different picture. They say the lab system is in such disarray, and the DNA case backlogs so overwhelming, that serious criminal investigations involving homicide, sexual assault and threats to national security have been delayed for months at a time, potentially jeopardizing the chances of arrests and convictions.

In closing, I reiterate that we need proper funding. Without better funding and better resources for the RCMP, the forensic labs and police agencies, we are in dire straits. We also need to make sure that we have the ability to bring forward the proper amendments that Bill C-13 needs.

Canada has to restore confidence in our justice system. We have to be able to give the resources to the police agencies. We have to build confidence that we do have a justice system that works. Unless we can make some amendments to the bill, the confidence will not be restored.

When the bill does go to committee I encourage the government to look at some very serious, workable amendments that would make the bill a better bill.

Government Orders

●(1025)

[*Translation*]

Mr. Richard Marceau (Charlesbourg—Haute-Saint-Charles, BQ): Mr. Speaker, I am pleased to speak today on Bill C-13, which has been introduced by the government. In this day and age, political discourse is often focused on the respect of human rights and freedoms, and I agree with that. We have taken part in some debates that illustrate this, the one on same sex marriage in particular.

It is also important to note that individual rights encompass individual security. In a society based on rule of law, such as ours, the right to personal security is essential. If this is to be more than merely theoretical, and to exist in reality, it is important to provide law enforcement bodies with the tools necessary to fight the crime that so often harms our communities.

The Bloc Québécois will be supporting Bill C-13. We feel that it will provide police officers with more effective investigative tools, which should permit them to resolve more crimes.

Members have examined this bill with care and will have realized that it makes some rather technical amendments to legislation already in place. When the bill is examined in committee, the Bloc Québécois will ensure that the changes proposed represent real improvements to the existing system of DNA testing. In addition, the Bloc Québécois will ensure that the RCMP has the funds to accommodate the expansion of the DNA bank this bill will bring about.

To make a small aside, it is all very fine to announce measures, measures we support, but there must be money attached to them. As hon. members are aware, the RCMP has decided—for financial reasons, or so we are told—to close detachments in numerous locations in Quebec. There has been much opposition to this, from mayors, municipal counsellors and reeves, backed up of course, as is only natural, by myself and my colleagues in the Bloc Québécois.

It does not, therefore, make any sense to talk of increasing the responsibilities, as well as the operating costs, of a police force, the RCMP, while making cuts here and there, including cutting police detachments scattered outside the urban centres.

And so I hope the government will reverse its decision to close these detachments. I believe my hon. colleague's riding of Joliette is affected by the RCMP detachment closures. I know that the mayor, municipal officials and prefect have made him aware of the situation. It is the same in Saint-Hyacinthe. I hope the RCMP will reverse its decision. If it wants to fight crime effectively, the force must be present throughout the area.

Having finished my aside, I return to Bill C-13, which takes up for the most part the provisions of Bill C-35 from the last legislature, the bill to which the Parliamentary Secretary to the Minister of Justice has referred.

Bill C-13 amends the provisions in the Criminal Code respecting the taking of bodily substances for forensic DNA analysis and the inclusion of DNA profiles in the national DNA data bank. It also makes related amendments to the DNA Identification Act and National Defence Act.

I have five minutes left. That is a very short time to address such a technical bill. That is why we are going to examine it very seriously in committee.

Bill C-13 makes other amendments, which ought at least to be listed in the parliamentary record of debates. It adds offences to the list of designated offences in the Criminal Code for which a judge is required to make an order for the collection of a DNA sample from the offender, unless the offender can convince the court otherwise.

It adds offences to the list of designated offences for which an order for the collection of a DNA sample can be made if the prosecutor so requests and the court agrees.

●(1030)

It provides for the making of DNA data bank orders against a person who has committed a designated offence but who was found not criminally responsible by reason of mental disorder. This ties in somewhat with the subject matter of Bill C-10, which we are also working on.

It creates new provisions for the making of DNA data bank orders against a person who committed one murder and one sexual offence at different times before June 30, 2000, when the legislation on the DNA data bank came into force.

It provides for the review of defective DNA data bank orders and for the destruction of the bodily substances taken under them.

It allows the destruction of the bodily substances of offenders who are finally acquitted of a designated offence.

It compels offenders to appear at a certain time and place to provide a DNA sample.

It allows for a DNA data bank order to be made after sentencing.

Finally, it makes related amendments to the National Defence Act to ensure that the military justice system remains consistent with the civilian justice system.

So, this bill proposes many things. I must say that we are somewhat uncomfortable with the retroactive provisions included in this legislation and we hope they will dissipate with the review in committee. Obviously, any retroactive provision, particularly in the criminal justice area, raises serious issues relating to rights and freedoms and to the charters, whether it is the Quebec or Canadian one. In this regard, we are anxious to hear the witnesses and experts, who will tell us whether the bill does indeed respect the charters.

We also wonder why the bill adds participation in the activities of a criminal organization to the list of secondary designated offences, that is to the list of offences for which the taking of a DNA sampling is not mandatory, but optional. We wonder why such offences were not included in the list of primary designated offences. This is an issue on which we want to get an answer as quickly as possible.

All to say this is a very technical bill and it requires a thorough study of its provisions. At this stage, the Bloc Québécois supports its referral to a committee. We will work very seriously, as we always do, to ensure that, on the one hand, enforcement agencies have the necessary tools to fight effectively criminal activities in which the public is all too often the victim, and, on the other hand—and this is important in a society such as ours—to ensure that the rights and freedoms of the accused are respected. As I said earlier, the whole issue of retroactivity will also have to be thoroughly examined.

[English]

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the yeas have it.

And more than five members having risen:

The Deputy Speaker: The vote on this matter is deferred.

* * *

● (1035)

MIGRATORY BIRDS CONVENTION ACT, 1994

(Bill C-15. On the Order: Government Orders:)

October 26, 2004—The Minister of the Environment—Second reading and reference to the Standing Committee on Environment and Sustainable Development of Bill C-15, an act to amend the Migratory Birds Convention Act, 1994 and the Canadian Environmental Protection Act, 1999.

Hon. Jim Peterson (for the Minister of the Environment) moved:

That Bill C-15, an act to amend the Migratory Birds Convention Act, 1994 and the Canadian Environmental Protection Act, 1999, be referred forthwith to the Standing Committee on Environment and Sustainable Development.

Hon. Bryon Wilfert (Parliamentary Secretary to the Minister of the Environment, Lib.): Mr. Speaker, I am pleased to speak today to Bill C-15 which contains some important business left incomplete from the last Parliament. This bill will give us the capacity to curtail the killing of thousands of birds when ships far

Government Orders

offshore try to save a little money or time by illegally discharging oily wastes overboard.

This bill is an overdue action to protect wildlife and represents one of the many tools that will comprise the ocean's action plan mentioned in the Speech from the Throne. The Speech from the Throne demonstrated a solid commitment to the environment. It had no fewer than 13 initiatives that will help us make our environment healthier, while at the same time making our economy grow stronger.

Environment, health and the economy are not mutually exclusive concepts. We should not think of the environment on one hand and the economy on the other. The environment is our life support system: the air, the water and the land, together with the natural resources and species that surround us.

The source of all our wealth lies in the environment. Those countries who work now to reconcile environmental issues with the need to maintain a competitive economy will become the global economic engines of the 21st century.

Canada, with its rich environment, its wealth of natural resources, and its technological know-how and vigorous economy is well suited to seize the moment and to become a world leader among those that succeed in creating a robust economy based on sound environmental principles.

With environmental values forming the core of what it means to be Canadian, it is understandable that Canadians become outraged when they see outright illegal activities that damage our precious natural resources go unpunished. Canadians will not stand idly by and let thousands of harmless and defenseless seabirds die when there is something that can be done to prevent it, least of all when the source of the problem is really just a minor inconvenience for a few ill-behaved ship operators.

The Pacific, Arctic and Atlantic oceans have an important place in the Canadian psyche. It is by traversing the Bering Strait that our first inhabitants reached the shores over 10,000 years ago. The first European explorers and settlers reached this land by sailing across the treacherous Atlantic.

The oceans have always been a major source of food for Canadians. They also comprise the major commercial links between our country and the rest of the globe. The oceans are another source of national pride. We must keep our oceans healthy.

The bill I am presenting to the House today, Bill C-15, is tangible proof that the government is taking action to keep our environment clean.

In 1916 Canada signed the migratory birds convention with the United States. This historic agreement committed our two nations to ensure the protection of bird species that were threatened by human activity. Since the agreement was signed several Canadian environmental protection laws have been passed, including the Canadian Migratory Birds Convention Act of 1994, the Canadian Environmental Protection Act, 1999, the Fisheries Act, and the Canada Shipping Act, which includes sections relating to the environment.

Government Orders

Almost 90 years after the Migratory Birds Convention Act was first passed, it is now clear that an updating of this tool, as well as the Canadian Environmental Protection Act, is needed. It hardly needs stating that human activity can have devastating effects on the environment, whether due to intentional acts or as a result of a lack of awareness or understanding of the impacts of our activities.

I am addressing the House today to tell everyone about one controllable threat to wildlife resulting from human activity. The threat is real. It kills over 300,000 seabirds every year. The threat is the product of human activity and is in fact a wilful act of negligence.

The good news is that we have found a win-win solution to this problem. The proposed solution deals not only with the environmental impacts, but also has no impact on economic viability.

• (1040)

Let me explain the problem. Oil released in Canadian maritime waters by ship crews, whether through intentional discharges or accidental spills, can directly kill any seabird that it touches on the sea's surface. Crews that pump their bilge into the oceans pour hundreds of litres of oil into the water, at the same time leaving in their wake an oil slick several thousand square miles in size. These slicks, which often look like a sheen on the water behind the ships, become floating traps for seabirds. The slicks are deadly. All it takes is a single drop of oil the size of a quarter to kill one of our murrelets, puffins, dovekies or gulls.

The oil penetrates the natural defences of the bird affected and damages the unique structure of its feathers, which normally repel water and resist cold. The oil decreases the bird's insulation, waterproofing and buoyancy, leading to death by hypothermia or starvation. In addition, oil contains many harmful substances that when ingested or inhaled by birds, as they attempt to clean themselves, poison their internal organs and lead to debilitating or fatal consequences.

Once oiled, the birds carry on a desperate fight against the elements of the brutal cold and the ocean drains away their energy. It takes them days to die. It is a battle that they never win.

The main area where seabirds are oiled is off the southwest coast of Newfoundland and Labrador. More than 30 million seabirds and thousands of sea-going ships cross this sector every year.

The point I want to make clear is that this impact, this death of hundreds of thousands of seabirds every year, is completely avoidable. The technology exists today. Every major sea-going merchant ship must carry an oil separator on board. The separator allows for the oil to be separated from the water and then safely disposed of when it arrives in port.

Yet there are cases where this technology is not being used or is not being properly maintained. Time means money and sometimes a ship's operator may choose to dump oily wastes at sea rather than dispose of them in port. That would also save a small processing fee.

Yes, there can be fines when these offenders are caught. The record is not good. Ships continue to pollute and birds keep dying by the hundreds of thousands. Our legislation must have clear and practical enforcement powers, so the international shipping commu-

nity will hear the message loud and clear, that Canada will not tolerate the senseless slaughter of birds by crews that hope to save a little time or money by flaunting international codes and Canadian environmental laws.

Currently, vessels that navigate our waters are subject to Canadian law. Canada has existing laws dealing with the potential environmental effects of ship traffic, including the release of oil into marine waters. These laws include the Migratory Birds Convention Act, 1994, the Canadian Environmental Protection Act, 1999, the Fisheries Act and the Canada Shipping Act.

However, recent court cases have revealed ambiguities in two parts of the legislative framework, making enforcement difficult. It is important that these amendments allow us to deal more effectively with law enforcement issues in cases of marine pollution and, in particular, the legislative measures that will provide clarity with respect to the new 200 mile exclusive economic zone by affirming that enforcement officers have authority in this area.

Second, we are increasing the fines under the Migratory Birds Convention Act, 1994, to a million dollars with this bill. The increased maximum fine brings the legislation into better conformity with the modern business of shipping, which is big business.

This bill is also aimed at fostering greater collaboration on law enforcement measures and will provide the means to pursue offenders and will provide sentencing guidelines so penalties will be imposed that appropriately reflect the damage done to the environment. The bill does not require us to create a new agency nor does it ask us to develop new policies. It is about saving birds and it is about doing the right thing. I would ask members in the House to support the legislation.

• (1045)

[*Translation*]

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, I am pleased to rise today to speak to Bill C-15, an act to amend the Migratory Birds Convention Act, 1994 and the Canadian Environmental Protection Act, 1999, introduced at first reading on October 26, 2004.

Note that this bill received very little consideration in the deliberations of the Standing Committee on Environment and Sustainable Development. The bill is the defunct Bill C-34, which was introduced in the 37th Parliament. The federal government wanted to pass the bill quickly by using the Liberal majority steamroller and without hearing testimony at the Standing Committee on Environment and Sustainable Development on the bill's repercussions and application.

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I was a little surprised because a bill as important as this one certainly deserved special attention from the standing committee, which should have heard witnesses such as the Shipping Federation of Canada, or other representatives of the environmental sector. These witnesses could have explained how to improve Bill C-34.

The former Chair of the Standing Committee on Environment and Sustainable Development, the former member for Davenport, will remember a session at the time when I became enraged at the behaviour of the Liberal members. I remember this bill was rammed through, and the Liberal MPs did not even want to hear witnesses.

Why not? Because it was the eve of the election campaign, and the Liberal Party of Canada was trying to make us forget the fines that some courts had imposed on Canada Steamship Lines. The government also wanted to show that it had good faith by tabling Bill C-34.

Today, a new version of this bill is being presented as Bill C-15. We are in favour of the principle of this bill because on this side of the House we believe that the practices of some companies with respect to coastal oil spills are totally unacceptable for the protection of migratory birds and their habitat and ecosystem.

It must always be kept in mind, if we really want to protect species, whether endangered, at risk or otherwise, it is always vital to protect the habitat. When companies behave irresponsibly, we have a duty, as legislators, to face up to our responsibilities and to introduce a more stringent bill.

I will come back later to the real repercussions Bill C-15 could have. We have to do more than just introduce a bill, we have to ensure that the bill itself, and the spirit of that bill, are respected in its application.

As I have already indicated, we are of course in favour of this bill in principle because, from the environmental point of view, it makes it possible to impose far stricter sanctions on shipping companies that discharge toxic substances illegally at sea.

●(1050)

I hope, however, that our committees will afford us the opportunity to hear a number of witnesses on this subject, unlike our experience in committee during the last Parliament. Then, the majority government literally shoved the bill through, giving us no opportunity to improve it. Unfortunately, that bill met a sad end.

This bill is an amendment to the 1994 Migratory Birds Convention Act. We must place that in its proper context. We on this side of the House have always admitted that this legislation was indeed within an area of federal responsibility. When various bills were being considered, the Canadian Environmental Protection Act or Bill C-5 on species at risk, we always agreed that the migratory bird legislation and public lands were federal jurisdictions. The principle, the very spirit, of this bill confirms our willingness to respect an area that is, of course, federal.

We need much more rigorous legislation. Moreover, what the government is proposing is, in fact, harmonization, an adaptation of what is already done in the United States. We know that the laws there are much stricter than here in Canada.

In Canada, according to Environment Canada estimates, over 300,000 seabirds are killed each year off the coasts of the Atlantic provinces by ships that illegally dump their polluted bilge waters as they pass through these waters.

Under the Migratory Birds Convention Act, 1994 and the Canadian Environmental Protection Act, we needed to act quickly. Why go through the Migratory Birds Convention Act, 1994? Because this law applies in the exclusive economic zone of Canada, and because it is intended specifically to protect migratory birds from the effects caused by deposits of harmful substances in that zone. The provisions of the bill will now apply to vessels.

We should have taken action through more restrictive legislation. Nevertheless, some questions do arise about the actual enforcement and the desired effects of the bill before us. We must remember that in the past we have seen large-scale catastrophes, some of them on the east coast, in the Maritimes, that ended with fines of \$20,000 or \$30,000, sometimes up to \$170,000 as in the case of the fishing boat *Olga*.

Measures were taken. What was the impact of these measures? One: we arrested the operators of the vessels. Two: we turned them loose. Three: fines were not paid to the federal government.

In short, I would like to tell the House that we support this bill in principle. We believe in more rigorous legislation. However, we must be sure that the measures that will be taken will have a real impact, so that the spirit of the law, that is, protection of our migratory birds, can take effect as soon as possible. We shall work in committee to improve this bill.

●(1055)

[English]

Mr. Bob Mills (Red Deer, CPC): Mr. Speaker, it is a pleasure to speak to Bill C-15. I want to go through a bit of the history of the bill. I think I asked my first question on oiled birds in the Atlantic in 1995 or 1996. From there I drew up a private member's bill which basically dealt with this. From there I drew up a policy which I was able to recommend to our party and which became party policy regarding oiled birds.

First I looked at Bill C-34. That was introduced the day before the House prorogued. Needless to say I was pleased there was a bill but went rather ballistic in that the bill was introduced at a time when I knew for sure, and everybody else knew, it could not be passed and that it would simply die on the order paper.

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I must say that I am pleased to see that Bill C-15 has now surfaced, at what I hope is a better time so that it has a greater opportunity of moving through the House and through committee. Obviously any minor amendments that are needed can be made during the committee process. We will finally have a piece of legislation that we hope will help stop the problem which has gone on literally for decades in our Atlantic and Pacific oceans.

Today I stand somewhat with relief that after so many questions in the House and so much work on this issue, finally we have a piece of legislation which, while not perfect, does come closer than anything else we have in place.

I want to touch on a bit of the background and a few of the areas that concern me about the bill. I am sure they will also concern members on all sides of the House when they look at the bill.

We should recognize there has been a lot of documentation. I am holding in my hands a document to which most members could refer. Certainly there is the web page done by the World Wildlife Fund entitled, "Seabirds and Atlantic Canada's Ship-Source Oil Pollution". It details a lot of references and provides a background to some of the history of the problem and why passage of this bill by the Canadian Parliament is so essential.

As well we need to recognize that a tiny oil spot on migratory birds means death. A bird need not be totally oiled for it to die. One tiny drop of oil will break the bird's insulation and will result very quickly in hypothermia and the death of that bird.

I spent time in Newfoundland and did an hour and a half radio show. At one point I literally saw the thousands of birds that wash up on the shore. I talked to many of the local people and heard how troubled they were that this was happening over and over again and nobody was doing anything about it.

Today a documentary is being produced on that very issue and of course it fits right in with this legislation. I will not be cynical and say that one of the motivations for this bill to show up so quickly may have been that it is a fairly high profile documentary being done on oiled birds in the Atlantic.

Before I move on we should also remember that the same problem exists on our Pacific coast. The problem there as I understand it is it is more scientifically difficult to document because the birds sink. The wave patterns and current patterns are different and therefore not nearly the number of birds are showing up on the Pacific coast, yet we believe the problem is probably just as great, if not greater, in that part of the world.

We have heard lots about the *Exxon Valdez* and that sort of thing. However, it would be very naive to believe that there are not other more minor oil spills occurring that would affect the birds there as well.

The number used in the Atlantic is 300,000. That is a documented scientific number. The local people would tell us that it is much higher than that. Some people would use figures like a million birds a year. None of these populations can sustain that sort of death toll and expect to remain viable.

Certainly for the people of the area, and I think for all Canadians, they would like to have the seabirds remain a viable population for a long time into the future.

• (1100)

What is the real problem? Why does this problem exist? It comes down to dollars and cents for shipping companies. Many of them do not even dock in Canada, but simply pass through our waters from the U.S. and Europe on the pathway that they travel.

The ships have bilge oil which they need to get rid of. For the shipping companies it is a matter of having to go to port, having to pump it out in port, having to pay for that, but most important, the time it takes to do it. For many of the companies, time appears to be their biggest problem.

It is understandable, I guess, from the captain's perspective that if he is expected to get between point A and point B in a certain amount of time, rather than go to port to dump the bilge, he is going to dump it into the ocean. It would also be reasonable to expect that when he knows that surveillance is very minimal and even if caught the fine is very small, he will take that chance.

It appears that is what has been happening for decades. There are records of oil release right from the 1950s on up, if we look at some of the reference material, and they probably occurred long before that. Therefore, it is the cost factor and the time factor for these ships.

This piece of legislation I hope will fix those two basic concerns that we have. First, the fines are going to be higher and if we make them comparable to the U.S. fines, we could be looking at fines of up to \$1 million. With fines like that, they would not run the risk. If the fine was \$3,000, well, it would be worth it to take the chance because they probably would not get caught. If the fine was \$1 million, as they have been in some of the U.S. cases, they would really think about that. They would probably not be captain of the ship after doing that, if the company took action. Obviously the fine structure will help.

The next thing that is important is that we provide adequate facilities for these ships to move as quickly as they can to get rid of their bilge oil so they can move on. Obviously, we would be asking questions in committee as to what facilities are planned. Are they adequate? Do we need more? Are they as modern as they should be? What is the cost involved? Who is going to pay for that? Obviously, we would hope that the user could pay for a great deal of this because it should be in the best interest of the shipping business to speed this up.

We then also have to look at the surveillance. How are we going to catch these people? We do not have the number of Coast Guard staff, planes and so on that we would need, but there is a technological way to do this. I am not a technician; I do not understand how radarsat works exactly, but I understand it is accurate enough to find out who did it and to send a plane out.

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Finally, the enforcement of all of this becomes most important. We have to stop the turf wars within departments. When one of the ships, the *Tecam Sea*, was brought in, justice was fighting, the Coast Guard was fighting, the military was fighting, environment was fighting over who was in control. As a result, the ship sailed away without ever paying the fine.

That sort of thing has to end. We must have surveillance. The penalties must be there. We must have the facilities that these shipping companies can use.

We will be supporting the bill. We will be looking at where we might improve it in committee. I congratulate the government for bringing it back so soon in this session. It is a much needed bill.

• (1105)

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, it is with great enthusiasm that I rise on this day also in support of this bill, and to watch the non-partisan efforts that are going on across the House. If I may, I would like to address some of my comments not only to the House but also to the communities that are the stewards of these areas we are talking about.

I come from a riding in the northwest of British Columbia, and we have established the insurmountable beauty of that place. It is also a very coastal riding with hundreds and hundreds of kilometres of coastline. The national identity and the importance of our coasts and our environment are clear to Canadians all across the country.

I have some grave concerns, which the hon. member for Red Deer raised, about the application of this bill and whether the resources will be allocated. I am very glad to see that we will be taking a sound and serious look at this at committee. We have been waiting for too long for strong legislation on this issue. It is an embarrassment that ships are able to enter into our waters, dump the bilge oil, and get away essentially scot-free. It has been long overdue that this bill has come to pass, and we look forward to its passing in the House with some important amendments.

The *Exxon Valdez* was mentioned earlier. It is not that long ago in the memory of my riding. It was an American disaster, and the Exxon company called it merely a traffic accident, but it was certainly much more than that. The effects of the *Exxon Valdez* will go on for generations to come. People need to understand, as my hon. colleague from Red Deer pointed out, that not much oil has to spill, and that was an incredible amount of oil that spilled into the sea. That amount of oil will last for a number of decades and the costs have not been incurred by the company, which is deplorable.

An important part of this is with respect to the economy on the coast and the fisheries that are present there. Today I will also speak to the fishers who go out each and every day, be they sport fishermen, commercial fishermen, crab fishermen, or what have you, and the importance they have in applying good sound environmental considerations to their work. It is greatly encouraging to me to see that the government is finally applying these same things in terms of our business case.

I would like to speak for a moment to the idea of where the economy and the environment do come together. The aspect is that

without a strong environment it is very difficult to have a strong and supportive economy, particularly for small and rural communities that do not have the capacity to generate income in lots of different ways as they might in a rural riding.

We have an extraordinarily beautiful place in the Queen Charlotte Islands which is also within my riding. The notion of oil washing up on the shore I am sure would not be too appealing to the kayakers who come from many of the cities and towns represented by members here today.

I must express some similar opposition to the notion of the offshore oil and gas that is meant to occur at some future date off the coastline of the Queen Charlotte Islands. I think this bill speaks in effect to the precautionary principle that we must apply to developments like offshore oil and gas, which has not been supported by industry from what I can tell so far.

We have been looking for government clarity on the moratorium that now is placed on offshore drilling within Hecate Strait. I look forward to the day when the minister will rise in the House and present clarity to Canadians, to people in my riding, that the moratorium will stay and that we will apply the precautionary principle in its full effect to offshore drilling. Not before and not since has a business case been made for offshore oil and gas development. Certainly no ecological case can be made for it.

The environment is clearly part of the business equation now. I am lobbied consistently by mining groups, logging groups, and all sorts of heavy industrial users that are incorporating sound environmental practices into their businesses, or at the very least, are attempting to. This is clearly the way and this is the strategic advantage that Canada needs to present to the world as being a strong defender of the environment and a keen observer of how the environment and the economy must fit together in the future.

Good environmental regulations are clearly a part of any good business plan. I have spoken at mining conventions about the need for sound and good governance and positive red tape. Oftentimes we look at regulations with respect to resource extraction as a negative thing, and that is clearly not always the case. There are times when regulations are extremely important for those businesses when they return to the marketplace to seek financing and resources.

The container port which we are promoting, and which has been promoted in part by the government, also speaks to the importance of having sound economies in our coastal communities. Development of a container port is being looked at in Prince Rupert. This would provide a new outlet for Canadian manufacturers into the Asian markets, clearly one of the strongest and fastest growing sectors of the world economy. This is providing communities with a place to air some of their ideas and concepts about generating real and sustainable wealth for communities.

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We are playing a facilitative role in bringing those communities together around the container port on the west coast. I am very glad that the Minister of Western Economic Diversification has decided to join us some time in January for a conference. We will be able to speak to the ways and means in which we will diversify our economy, strengthen the local community and allow people to make good, sound choices.

• (1110)

The NDP supports this legislation because it makes companies and individuals who use our waterways responsible for their actions. It ensures that ecological impacts be taken into account in their daily decisions. It forces them to go that extra step to ensure that the environment is not harmed in the pursuit of profits.

I look forward to looking into the details of the bill in committee to ensure that these principles are upheld in measures as strong as possible.

[*Translation*]

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Mr. Speaker, as we know, the shipping industry in the Atlantic Ocean off Canada's coast is a vital component of our economy. It moves our goods to market, carries our imports, provides jobs in our harbours and connects us to the world. This activity is essential and has been since the Europeans first settled in Canada.

But we also must acknowledge that the oceans are essential to the survival of life on the planet, and that we have an obligation to protect them now, and for the future.

When we say that the movement of these big ships along our shorelines is important to the economy, we must not forget that these same vessels share the ocean waters with the whales, seals, seabirds and many other forms of marine life that are also a vital component of Canada—its biodiversity.

Yet we have a major challenge to that biodiversity every winter as some 300,000 seabirds die from the pollution discharged by many of these ships. This is a conservative estimate. It could be higher.

Discharging oily waste by ships at sea is against the law. But that does not stop the practice.

We need to take action to address the tragedy that is the yearly slaughter of the murre, puffins, gulls and dovekeys off our coastline.

The proposal before us involves strengthening our major environmental laws so that we can get tougher on those who ignore those laws. This is not new policy. This is working with existing legislation so that we can act.

With amendments to the Migratory Birds Convention Act and the Canadian Environmental Protection Act, we can ensure that we have the right tools for enforcement. We can bring forward the people and technologies needed to find violators of our laws and bring them to justice.

I support the bill that will bring in these amendments. They would put the prohibitions into place against discharging oil within the limits of the exclusive economic zone and cover illegal dumping by Canadians and foreign nationals.

Further, these amendments would make sure that reasonable care was taken to prevent unlawful discharges of oil. These changes will also hold corporations and directors of companies accountable and prohibit the falsification of records.

Also important in these changes is that our approach will be better harmonized with that of the United States. Prosecutions in the area in the U.S. are becoming high profile and carrying stiff penalties. This means Canada runs the risk of becoming a safe haven for illegal discharges. We do not want that. We cannot afford that.

Finally, the amendments that come into force with this bill will provide for the redirection of vessels to Canadian posts for inspection—and for clear search and seizure powers.

With these actions, Canadian agencies will no longer have to be concerned with interpretation of the law as to where the inspection and prosecution should take place. We have had such situations, and the result—I regret to report—is that a polluter has gone free.

I urge support of these measures and swift passage so that the winter of 2005 does not bring another kill of hundreds of thousands of birds and untold damage to our marine environment.

• (1115)

[*English*]

Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I have the honour to represent a constituency in New Brunswick that represents a considerable part of the New Brunswick coastline. A number of hundreds of kilometres from the Confederation Bridge to Prince Edward Island, in the area of Cape Tormentine, my constituency stretches north along the Northumberland Strait to the waters around the Kouchibouguac National Park.

The discussion about the need to toughen legislation with respect to oil pollution on our coastline is something which is obviously of great importance to me, to the tourist industry that I represent, and to many of the inshore fisheries that have created great economic wealth in my constituency.

It is from this perspective that the legislation before the House now offers a great deal in terms of providing severe and strong legislative tools whereby we can reduce the very dangerous effects of oil pollution on our shorelines.

As I said, the beaches of Atlantic Canada, including my own constituency and throughout Atlantic Canada, draw hundreds of thousands of visitors each year. The tourist industry has been growing in Atlantic Canada. Ecotourism, which includes the natural heritage of which we are so proud, has been an attraction which brings many hundreds of thousands of visitors each year. These visitors inject millions of dollars into the local economy that sustain hundreds of thousands of jobs often in areas of small rural communities where employment opportunities may be considerably limited.

The same beaches and ocean waters have defined the so-called maritimer or Atlantic Canadian, because it includes obviously our friends from Newfoundland and Labrador, for many generations. These images will continue to define what Atlantic Canadians feel of themselves, and the image and impression of Atlantic Canadians throughout the country.

These same beaches and oceans provide thousands of jobs and billions of dollars in Canada's east coast fishing industry. There is a wrong perception in many places that the fishing industry in Atlantic Canada is a dying industry or is an industry without an economic future. If we look at the value of the east coast fishing industry and the billions of export dollars that this industry generates, thousands of jobs in my own constituency and throughout Atlantic Canada depend on the health of our oceans, and the health of the resources which have for generations provided economic opportunity.

Let us imagine a tourist visiting these beaches of Atlantic Canada for the first time, say for example in Shediac, New Brunswick, in a community close to my heart. The tourist who comes to Shediac would see a wonderful ocean vista, the Northumberland Strait, as I mentioned, and long sandy beaches. As the tourist publicity says, it has the warmest waters north of Virginia.

On those beaches there would literally be millions of different species of birds that have lived there and found food there for a very long time. A nice early spring or summer walk on that beach for a tourist however might turn into an experience that the person would never forget. Washed up on the shores of these beaches would be dead seabirds from the region, dead from oil pollution out at sea. This is certainly not a picture that we want tourists to take home.

Let us imagine an inshore fisherman out on the water for a day's work. It could be a lobster fisherman, or someone fishing rock crab or herring, or scallop dragging, and off the bow of that fisherman's boat is a dead flock of birds floating on the water, dead from oil plumage that caused the cold ocean waters to get past the natural defences of these birds and left them dying a slow and painful death.

• (1120)

That same fisherman may also find his gear fouled with oil pollution. People who come from proud generations of fishers, who have lived by the sea and earned a respectful living from the ocean waters, may walk the beaches often, and not only in the high tourist season in the summer. These people may walk the beaches because for them it is home. They live and earn their living from these shorelines.

Thousands of small birds that used to be in such abundance do not seem to be as numerous anymore. A person might see dead seabirds

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washed up on the beaches of a place that he or she has considered home for generations. These images unfortunately are all too frequently a reality. These pictures of oily ocean waters in Atlantic Canada have become in many cases a death trap.

There are some 35 million birds that feed on the rich resources along these waters of the continental shelf. During the months from November to March they form some of the world's largest concentration of seabirds in any one place and at the same time they are sharing these waters with some of Canada's busiest shipping lanes. This mix, as I just indicated, can often be disastrous.

[*Translation*]

The reason is oil pollution, and it is oil pollution that can be avoided. This oil pollution comes from some of the ships that move through this habitat. Oil is deliberately and illegally dumped into the ocean.

I urge all members to support the Act to amend the Migratory Birds Convention Act, 1994 and the Canadian Environmental Protection Act, 1999. It will help bring an end to this unacceptable situation.

We can keep our beaches as attractive tourist destinations and send visitors home raving about their beauty and abundance of birds—not telling stories of oil pollution and dead carcasses washed up on shore.

We can help our fishing industry by ensuring the waters are less polluted from oil deliberately dumped overboard.

As I indicated, in my own riding, remarkable groups of volunteers have gathered to take care of various watersheds. These individuals have taken to heart the protection of the environment and set out to reduce the pollutants and practices that have contributed for so long to the pollution of our waters.

• (1125)

[*English*]

Some of these volunteer groups in my own constituency have talked to me about the importance of strengthening legislation like the legislation that is before the House today. They understand that practices in the past have not been dealt with perhaps as severely as they should have been. They have led to this very difficult situation and to something which is unacceptable on the east coast of Canada and in any marine environment. For that reason, I urge all members to support this bill.

[*Translation*]

Mr. Christian Simard (Beauport—Limoulu, BQ): Mr. Speaker, in the Bloc Québécois, we support the principle of this bill, which comes late.

Once again, Canada did not have a good environmental record. As absurd as it may appear, until today, and this is still the case, surveillance of ships was done only within 12 miles of Canadian coasts. Anything could happen within the 200 mile economic zone. A ship only had to move slightly to do literally what it wanted, without any possibility of prosecution.

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Thus, this is a correction to a situation that was absurd. We appreciate this correction, although it comes late.

Of course, we will have interventions to make in committee to improve the bill, to see that there are no loopholes and that it really applies, that is, that it actually prevents spills at sea. Where a bill is limited is when we do not have the means to implement it. We will also ensure that we have the means to enforce it.

I would like to review with you the very recent report of the Commissioner of the Environment and Sustainable Development, which came out last week. This report follows up on an international agreement that is directly relevant to the subject that we are dealing with today. It is the International Convention on the Prevention of Pollution from Ships, the MARPOL convention, which is aimed at eliminating deliberate pollution of marine environment by ships, as well as reducing to a minimum accidental spills of pollutants. This convention has appendices and other documents. The commissioner did an audit. The least we can say is that she criticizes this government, which did not do its work, and has even reduced its inspections over the years.

One important thing to know is that, and I quote from the commissioner's report, "Normal ship operations generate different types of operational waste, including garbage, sewage, machinery run-offs, engine room bilges, and oily wastes". We also need to know that this oil pollution kills about 300,000 seabirds each year off the coast of Atlantic Canada. The scope of the commissioner's audit was limited to the Atlantic coast. As we know, this country borders three oceans. I should point out, for the benefit of those listening, that these three oceans generate over \$20 billion in annual economic activity, and that over \$85 billion in trade passes through them every year. We are talking about a mass of activities, huge traffic and equally huge environmental impacts.

The report says, "oil pollution along the coast of southeastern Newfoundland is among the highest in the world, and the problem has persisted from 1984 to 1999 (based on the latest available information)". The pollution is said to be among the highest in the world, with a legislative instrument that was totally inappropriate until now and that did not even comply with the conventions signed by Canada. This is really similar to the situation with Kyoto. The government can sign a convention, show goodwill and look good on the international scene, but when it comes to implementing, monitoring and following up on legislation, it is a different story. Canada looks as bad as the oiled birds.

Some countries have better environmental laws than we do, but these are kept secret. In some countries, environmental laws are not published. Their enforcement is left totally to the discretion of a regional governor, so they are not enforced. We must not have a caricature of legislation, but laws that truly have an effect in the field or, in this case, the marine environment.

The commissioner's report discusses oiled bird surveys:

Oil on the sea surface can kill any seabird that it touches and can significantly affect bird populations. This is of particular concern in Atlantic Canada, where ship traffic passes through areas that provide suitable habitat for tens of millions of seabirds... Many dead seabirds wash ashore in southeastern Newfoundland, and Environment Canada has overseen regular beached bird surveys there since 1984.

Beached bird surveys also lack the frequency and geographical coverage required to provide a reasonable picture of the overall oil pollution problem.

Very little is known about what is going on.

• (1130)

When we look at the surveys that are done, we might think the situation is improving, but it is not. These surveys suggest that the Canadian ocean areas are immense and contain many maritime shipping routes. In Atlantic Canada, the National Aerial Surveillance Program performed 644 hours of surveillance flights in 2002–03 and overflew 1,782 vessels.

According to Transport Canada, this represents only about one percent of the known vessel traffic in Atlantic waters within Canadian jurisdiction. The rate of surveillance has even decreased and the use of aerial surveillance has its limitations. Aerial surveillance cannot really be performed at night when a great deal of polluting may be occurring.

We support the bill. We will make sure there are no loopholes. The system is more restrictive, but according to our analyses, it is still possible for ship captains or owners to say they unintentionally discharged oil and then quickly tried to recover it. Maybe that is when they got caught.

Therefore, we need to prevent circumvention. We have to ensure that the purpose of this bill is not solely to reassure Quebeckers and Canadians about what the federal government is doing but to make it clear that polluting the inland waters of Canada within the 200-mile limit is wrong and can cost a lot. This is what the bill is all about. It even provides prison terms for those who deliberately discharge oil at sea—employees, captains and shipowners alike.

There has been much talk about oil-soaked birds. Although less documented, the effect of pollution on other marine organisms such as phytoplankton or zooplankton that live near the surface of the water is widely known. For instance, at the larval stage, cod looks like plankton floating on top of the water. A large oil spill where cod reproduces might destroy tons of larva of cod or other fish or species in the Gulf of St. Lawrence.

This is not as well documented or as visible, unfortunately, but it can be much more damaging in the long term than the harm done to seabirds. Of course, I do not mean to minimize the effect on seabirds, since the pictures of them have a considerable impact and, as we know, 300,000 birds die in Atlantic Canada alone.

Unfortunately, the federal government is considered as a dunce in environment, and the report of the Commissioner of the Environment and Sustainable Development proves it. François Cardinal, not I, said so in *La Presse* today, and I quote:

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With such a disappointing environmental record, Canada does not only deserve the dunce cap, it should be expelled from school.

Of course we acknowledge these belated efforts to find solutions to longstanding problems that even go against conventions already signed by Canada. We acknowledge the desire to correct the situation. However, there is a concern that there could not be enough money to follow up on it.

In reality, we notice that unfortunately, the government is more interested in talking about daycare or about communities and municipalities when these issues are not under its jurisdiction, in interfering in areas of jurisdiction where it does not belong and in managing billion dollars surpluses without public debate on the way this money is used. The government is much more interested in talking about all this than in doing something about its primary responsibilities to protect the oceans and the Gulf of St. Lawrence to make sure there are no more environmental disasters.

This government is just like a spoiled kid who wants his brother's or friend's toys but refuses to clean up his room or make his bed. Unfortunately, this is what Canada is doing with regard to environment and we deeply regret it.

• (1135)

[*English*]

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, I am pleased to address hon. members today on an important bill for the protection of the marine environment and marine wildlife, namely, the bill to amend the Migratory Birds Convention Act, 1994, and the Canadian Environmental Protection Act, 1999, or CEPA. The focus of my remarks will be on the amendments proposed for CEPA.

As hon. members may be aware, Canada has a long history in the development and implementation of federal laws to protect the marine environment. The number of birds dying is not acceptable and Canada needs to do more. The Canada Shipping Act has elements to promote the protection of the environment, such as provisions to control discharges at sea, but we need to do more. Hence, the amendment.

The federal Fisheries Act contains a general prohibition against the release of harmful substance into Canadian fishery waters. The Oceans Act of 1996 was the first marine related federal law to acknowledge a precautionary approach to the protection of Canada's marine environment. The Oceans Act also provides regulation-making authority to designate marine protected areas and to prohibit specific activities within those areas.

The Ocean Dumping Control Act, followed by the original Canadian Environmental Protection Act of 1988, implemented the 1972 London convention on the prevention of marine pollution.

Lastly, the Canadian Environmental Protection Act, 1999, replaced the CEPA of 1988 and implemented both the London convention and the 1996 protocol under that convention.

Over the past two or three years, CEPA, 1999, has faced the challenges of being unable to deal with the problems of discharges of oil by ships travelling in or passing through Canadian waters, discharges that bring about the death of migratory birds. As well, these releases occur in the exclusive economic zone, EEZ, and cannot be dealt with under current CEPA, 1999, because the

enforcement provisions of the act do not stipulate that its provisions apply in the EEZ. Thus, the Government of Canada is finding it impossible to take action against and to rectify incidents of pollution in the exclusive economic zone.

Ships that dispose of oil at sea in a manner that is not incidental to the normal operation of a ship can escape Canada's jurisdiction. They do so by entering the exclusive economic zone or the high seas which are international waters. Given the current wording of CEPA, 1999, enforcement officers designated under the act have no authority to engage in hot pursuit of non-compliant ships.

The report entitled, "Seabirds and Atlantic Canada's Ship-Source Oil Pollution", published by the World Wildlife Fund in 2002, alleges that for Atlantic Canada alone there are approximately 2,500 spills or releases of oil and chemicals each year, and those are only the reported incidents. There may be more such harmful releases that are unreported and that Canada will have to track using aerial surveillance and other means. What purpose does aerial surveillance alone serve without the legislative and regulatory tools to take action in the face of environmental damages caused by spills and releases?

The amendment to CEPA, 1999, proposed in the bill would give the Government of Canada the authority to deal with polluting ships that discharge oil and other substances illegally. The bill would cut off their usual means of escape, namely to seek refuge in the exclusive economic zone or in international waters.

The amendments to the Canadian Environmental Protection Act, 1999, found in the bill are consistent with the philosophical underpinnings of the act. The amendments being proposed in the bill are consistent with the concept that the user of a disposal at sea permit must be held accountable for actions under the permit and that the polluter operating without a permit and outside the confines of CEPA, 1999, will face the consequences for violations of these provisions.

Let me now proceed to describe in more detail the amendments to CEPA found in Bill C-15.

• (1140)

The first amendment to CEPA focuses on the act's provisions governing the disposal of wastes and other matters at sea. Currently, under the act, there are provisions which allow disposal of specified substance by permits. It is proposed that these prohibitions be expanded to include ships to ensure that both persons and ships are prevented from disposal without a permit.

The amendments will enforce that polluting ships, as well as persons who command them, can be subject to various enforcement actions, namely detention orders, environmental protection compliance orders and/or prosecution for committing such violations.

The amendment to add ships as being subject to prohibition against disposal at sea of illegal substances is crucial to holding Canadian and foreign ships to account for their pollution.

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Another amendment targets the prohibition against incineration of waste at sea. In addition, the bill also examines the definition of disposal in part 7 of CEPA, 1999, with regard to the normal operations of a ship.

To ensure clarity on what is normal operations, amendments to the regulation will provide authority to the governor in council to make regulations on the recommendation of the Minister of the Environment that would stipulate what is and what is not the normal operation of a ship. These are important clarifications because they are enabling provisions. It is not obligatory to use them, but they are available if regulations under the Canada Shipping Act do not address these points.

In keeping with the desire to hold both persons and ships accountable for their actions, the bill will also amend the section on recovery of costs incurred by the Minister of the Environment posed by ships or persons.

In December 2003 Canada ratified the United Nations Convention on the Law of the Sea. It is now incumbent on the government to implement the convention under Canadian law. This is important not only for disposals at sea provisions, but for regulations made under CEPA, 1999, that govern export and import of ozone depleting substances, chemicals and living products of biotechnology that are new to Canada and to the export and import of hazardous waste.

To ensure the proper use of these powers in relation to foreign ships, the amendments in the bill are very important, Canada requires the means to assert its sovereignty and authority in the exclusive economic zone. The bill allows the government, through CEPA, 1999, to protect Canada's marine environment, while adhering to its obligations under the United Nations Convention on the Law of the Sea.

I welcome the careful thought and attention of all members of the House in their examination of this bill and hope that they understand and support its merits.

[*Translation*]

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, I am pleased to speak on Bill C-15, particularly after the brilliant speeches of the members for Rosemont—La Petite-Patrie and Beauport—Limouilou, who, obviously in both cases, know this subject extremely well.

I must recognize that I am not an expert on environmental issues. However, when reading the bill, we do realize, as was mentioned by my two colleagues, that this move is late, but in the right direction. Indeed, the government wants to impose harsher penalties than those existing today on shipping companies that illegally dump toxic substances at sea.

That being said, even though this bill goes in the right direction, since it gives an implacable character to the bill that already existed, some aspects may still be questioned, particularly the fact that the government is retaining, perhaps indirectly, the possibility for the captain and the officers of the company to claim the defence of due diligence to avoid liability.

I know that the hon. member for Rosemont—La Petite-Patrie will be extremely vigilant in committee. He will ensure that, despite the fact that this bill appears to be a step forward from existing

legislation, reality will have to measure up. It will be possible to have much more effective legislation to ensure this illegal dumping no longer happens.

As you know—it has been mentioned many times, but it should be repeated for the benefit of those listening—more than 300,000 seabirds are killed each year off the coast of the Atlantic provinces by ships illegally dumping their polluted bilge as they pass through these waters. This is an extremely important bill for the protection of our environment, particularly in a context where everyone agrees that we must move toward sustainable development, in its social, environmental and economic aspects.

Another interesting point about the bill is that the Migratory Birds Convention Act, 1994 and related legislation will apply in the exclusive economic zone of Canada, that is, 200 nautical miles instead of the 12 miles provided in the previous legislation. Here we see a bill that not only provides much harsher sanctions but applies in a much larger geographical area.

It is also important to note that this bill applies to vessels and their owners and operators and subjects masters, chief engineers, owners and operators of vessels to a duty of care to ensure compliance with the act. I think that is very important. A law of this kind is not intended to punish offenders, when offences unfortunately occur, but to impress upon owners and operators their responsibilities to respect the rules.

In this way, as I mentioned, it is a step forward. We are worried—as we have mentioned before—because Bill C-15, even though it does not directly and explicitly provide for the defence of diligence, may make it possible for criminal liability to be avoided. In reading this bill, we thought that even if it is not explicit, the text would permit offenders to claim this recourse to diligence to evade their responsibilities. Thus, as I mentioned, I am convinced that my hon. friend from Rosemont—La Petite-Patrie will work in committee to make sure that such a defence is not possible and that there are no loopholes that could weaken the force of this law.

So this gives me the opportunity to take a step further in the areas I am more familiar with. We could have the best legislation possible to protect migratory birds against oil spills or illegal discharge of oil waste, but if we do not have the means to enforce the law, even with no reference to due diligence, we are back to square one.

I refer to two major issues that are linked to the difficulty the government has in enforcing the legislation right now and will have in the future, because of its inherent flaws. The Canadian Coast Guard for instance is understaffed. That has been criticized year after year by the Coast Guard spokespersons, whether it is before the Standing Committee on Finance—on which I had the opportunity to sit—or elsewhere.

Government Orders

●(1145)

If we cannot rely on a proper coast guard, we could have the best bill possible, but we would not be able to enforce it. This is exactly what my hon. colleague from Charlesbourg—Haute-Saint-Charles was explaining this morning when he talked about the DNA legislation before the House. Without an RCMP detachment that can properly cover Quebec, we will not be able to enforce the laws even if we give them more teeth.

It is a simple matter of logic. If the federal government wants to improve the bill, and we support them on that, then they would have to ensure that the law enforcement agencies, including the Coast Guard, have all the personnel they need to catch the offenders. That is the first point I wanted to raise.

My second point is the flags of convenience. As we know, the number of such flags is increasing exponentially all over the world. This is a very serious issue. When he was the owner of the Canada Steamship Lines, which is now operated by his sons, the Prime Minister of Canada himself used these flags of convenience extensively. Canadian laws are difficult to enforce on ships that use flags of convenience. And so we wonder about the government's good faith and will to implement a fine bill. The hon. member for Beauport—Limoilou clearly showed how, at first glance, this legislation seems to address environmental concerns fundamentally. However, the Prime Minister of this government used such flags of convenience himself.

I remind the House that, when Canada Steamship Lines was bought by the current Prime Minister, it was not using any flags of convenience, only Canadian flags. Currently, the vast majority of CSL's ships are using flags of convenience. It was in 1986 that the company, then owned by the current Prime Minister, first took advantage of that technicality, which is unfortunately allowed by international laws, but which is now being used for purposes that were not originally intended. So, it was in 1986 that CSL first raised a flag of convenience on one of its ships. This is not ancient history; it is very recent. It occurred less than 20 years ago.

At the time, Canadian sailors on that ship, the *Atlantic Superior*, which was then at sea off the coast of Virginia, were told that they would lose their jobs at the end of the trip and that they would be replaced by Korean sailors, who would be paid \$2.20 per hour and who would not enjoy any protection under Canadian labour laws. This is the problem with flags of convenience. We are well aware that countries that permit such registrations, there are 27 of them, generally have very lax laws, if any at all, on labour and workers' safety. I have just given an example. This probably explains why there have been so many deaths at sea in recent years. Indeed, these countries also have lax laws on the condition of ships, on the discharge of pollutants and on environmental protection in general.

If this government wants to be consistent, and I hope it does, it must not only amend the act by implementing the principles stated in Bill C-15 and ensure there are no legal loopholes to make the legislation less effective, it must also increase the Coast Guard staff and fight very aggressively against the use of flags of convenience, as the current Prime Minister unfortunately did with his former company, Canada Steamship Lines.

●(1150)

[English]

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, I am pleased to add my voice in support of this important bill, Bill C-15, which would have a dramatic impact on my riding, which is on the coast of the Atlantic, but impacts on all Canadians.

I would like to tell members about a silent disaster that occurs across the coastline of the Atlantic, something that happens every winter. Those who walk our beaches and monitor our species can tell us about this. I am talking about the disaster of 300,000 seabirds, maybe more, that die every winter because some ships discharge their oily waste at sea.

Those ships are not allowed to do it and there are laws against it but the fact is that illegal discharge to some shipping interests is easier than the legal way of disposing of waste. They would rather risk getting caught and paying the fine, which is low. They know the enforcement of the law is not as strong as it could be or should be.

What is this stuff they dump in our oceans off the coast of my very own constituency of Dartmouth—Cole Harbour?

All ships generate waste oil that accumulates in the engine room bilges and drains down with the water. If we were to take a sample, we would always find there is oil on top of the water. The ship should separate out the oil with special separators. This is a special process that takes time. However, if the crew is pressed for time and speed, they may decide it is easier to pump it overboard at sea. They do this in the dark, in the fog, in bad weather and they do it away from port.

Discharging this waste legally in port costs up to several thousand dollars, but that is not a large amount compared to operating a ship or to port fees. Out in the ocean, though, if the ships is not caught, then it is free.

If the fines were higher, enforcement stronger and the chances of detection greater, the risk would be too great. We would provide the impetus to do the right thing.

Those who walk our beaches will tell us, and they have videos they can show us, that these birds wash ashore in large numbers. They are dead or else they are struggling to live.

A litre of oil may not seem like much, especially when dispersed over a large amount of ocean water, but a small drop the size of a quarter will do the deadly trick.

As a pinhole in a diver's suit might do the same kind of damage, the oil causes the natural defences of the birds to break down. The cold waters of the winter Atlantic seep in through that area and the birds begin to literally freeze to death.

Government Orders

This is not an incident from one winter. This has happened repeatedly. Volunteers along the coasts of the Atlantic and the Pacific do beach surveys on Sunday mornings and it is not uncommon for them to find anywhere from 1 to 15 birds on any given morning. The problem is not unknown to residents of the St. Lawrence or the Great Lakes. Some of these birds take days to die because they starve and freeze to death.

The waters of Atlantic Canada, including my riding where the problem is greatest, are an important crossroads for seabirds where productive marine waters support tens of millions of birds. They are also a stopping-off point for other species.

They are murre, puffins, dovekeys and gulls, herring and great black-backed gulls, common eiders, Atlantic puffins, northern gannets, long-tailed ducks, common and red-throated loons, and double-crested cormorants. They are shearwaters and Albatrosses from the southern Atlantic. They are phalaropes, gulls, eiders and the eastern harlequin duck which is a listed species of special concern.

Our scientists now know that 80% of the dead birds found on the beaches of Newfoundland are dead because of chronic oil pollution. There is so much damage to so many species of wildlife and it is a preventable tragedy.

The legislation before us would address this problem by raising the fines under the Migratory Birds Convention Act to as high as \$1 million for those who ignore our environmental laws. It would make these officers and operating companies and their directors accountable for their actions and help harmonize our approach with that of the United States where there have been consistently higher fines.

This act to amend the Migratory Birds Convention Act and the Canadian Environmental Protection Act would also provide clarity for enforcement officials, along with the owners and operators of vessels in waters under Canadian jurisdiction, including the 200 mile exclusion economic zone.

At this time we are able to say that none of the species I have talked about are at risk of extinction yet. However, how long will we be able to say that?

Our own government scientists say that it is clear that death by oiling at sea can significantly depress population numbers and population growth for long-lived seabird species, particularly when mortality levels are sustained, adults are impacted or species with small populations are affected.

Do we want to preside over the listing of some of these species when we could have done something about it, something that is so simple and would have such a large impact?

The legislation before us would send a message. It would tell those in the shipping industry who feel disregard for the species with which they share the ocean that we abhor what they are doing and that we will prosecute them to the fullest extent of the law.

● (1155)

There are some in the shipping industry who feel it is deplorable that laws of Canada could be passed which could target individuals for acts of pollution and treat them like criminals in that they could be personally prosecuted.

People pollute; ships do not pollute. Marine pollution should not be equated to a parking offence. It is entirely appropriate that Canada demand that mariners and ship operators respect their own industry best practice policies and the laws of our nation.

It would tell the people of Newfoundland, Nova Scotia, Quebec, British Columbia and other coastline provinces that we too cherish the marine wildlife that makes us unique and enriches us all. It would tell Canadians that our environmental legislation meets the intent with which it was designed: to conserve and to protect.

Those are the messages we can send with action on the bill before us, action that can make a difference as early as the winter of 2005, as we are able to better detect those who break the law, as we are better able to prosecute those who we catch and as we are better able to deter others through large fines that do away with the practice of dumping oily waste as a cost of doing business.

As a member with a riding on a coast, I know we must do better but the bill affects all Canadians. Those are messages we can send, and I urge support for this simple approach that would do so much for our seabirds, for our oceans and for all Canadians.

● (1200)

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, the bill before us today is the reincarnation of legislation that was passed in the last Parliament but which the government did not see as important enough to get through the Senate before it called the election.

However, whenever I talk about the bill, the one number that always sticks out with me and is the number 300,000, which is the number of birds killed by this type of pollution off the east coast, and only off the east coast, every year. The number is a low estimate, according to the Fisheries and Oceans people or the environmentalists on the east coast. These are the ones they can actually identify as having died, so the figure is much larger than that.

In spite of the comment that we heard from the last Liberal speaker, the reality is that a number of the species that are being affected by this type of pollution are endangered. It is a hole in the endangered species legislation that went through the last Parliament that has not allowed the scientists who are studying these bird populations to get them on the endangered species list.

Government Orders

The legislation before us today is way overdue. I say that with a great deal of conviction because our U.S. neighbours have had this type of legislation in place now for close to 15 years. The result of that has been this scheming by some of the international shippers to sail into Canadian waters. They cross the Atlantic, come into Canadian waters, dump their bilge and then move into the U.S. port, which is their ultimate destination. However we have been the recipient of their pollution and garbage for way too long and the government has sat on this legislation way too long.

The effect has been, because of the U.S. legislation, that they have done a great deal to clean up this type of activity by rogue ships that dump their garbage in international waters or national waters, as is happening now in Canada.

The other thing that the U.S. has done, which we have not done and which this legislation does not do, is put our money where our mouths are. We will pass the legislation but no additional resources will be put in place for additional surveillance by the Coast Guard, by Fisheries and Oceans or the federal Department of the Environment. None of them will receive additional dollars to do anything to make sure the legislation will function.

Although we have increased the fines, which I applaud the government for doing, as it is something it should have done over a decade ago, the reality is that we may not have any ability to enforce the legislation unless we get serious about funding the Coast Guard, in particular, but also Fisheries and Oceans and the Department of the Environment.

There is another issue that has not been addressed by the legislation or the government. There were a series of reports where charges had been laid under the existing legislation but there were no convictions. The reason for that has been conflict between the Departments of Fisheries and Oceans and the Environment. Again I see nothing in the role that the government has played in the last few months since it has been in a minority government situation to clean that up.

Will we again be faced with departments not cooperating with each other or thwarting the actions of one or the other because of territorial empire building, resulting in the consequence that, although the legislation is in place, we perhaps may identify the culprits but because of shoddy work or work being thwarted by one department over the other the convictions do not get registered in court because the evidence has not been properly prepared? I warn the government that is something it has to work on. It has to clean up that territorial infighting and make sure that it never occurs again.

•(1205)

Another point about the lack of legislation is the issue of the deductibility of these fines. The government is extolling the fact that it has increased the fines. Again, I applaud it for doing that. However, it is rather hypocritical to say that it has done this when, under the existing circumstances in our income tax laws, in a good number of cases those fines end up being deductible from a corporation's income tax. The downside of that is, as individual taxpayers, we end up in effect paying as much as 50% of that fine.

We as a party have lobbied the government repeatedly to ban the deductibility of fines that are related to environmental crimes. It is a

simple point. The government and I believe all political parties talk about polluters paying. Let us get serious about that. If we are to follow that principle, if we are to insist that people who commit crimes against the environment must pay for it, we should not turn to the taxpayers and say that they will pay half of it. We have no responsibility here. We are not guilty of that dumping. The shippers are guilty of it. They are killing those 300,000 plus birds every year just off the east coast.

As a country, we should in no way be subsidizing that type of conduct. We must change our income tax laws to make it absolutely foolproof that an individual who commits a crime against the natural environment will pay the full amount of that fine. That the principal polluter pays a bit of the fine is an hypocrisy. It is something we badly have to do.

Following on some of the comments made by my colleague from the Bloc Québécois, I cannot finish without raising the reality of the Prime Minister's role in this. The reality is his family still owns a major shipping line and we still do not have that change in our income tax law. I suggest that is one of the reasons. This Parliament has to stand up and say that we will do this. We have to say to the Prime Minister that we are sorry to his family and CSL, but CSL will have to come in line with the obligations that it faces elsewhere in the world. If it is going to commit that kind of an infringement of our law, that kind of a crime against the environment, we are no longer going to subsidize it. I point out that CSL has already been convicted once under the existing law and was ordered to pay a paltry fine of \$25,000.

It is time for this Parliament to bring our laws into the 21st century with regard to polluters paying. We should no longer subsidize this type of infringement, in spite of the obvious conflict by the Prime Minister and his family. We should push hard on this issue. Until we do, this legislation becomes much less effective. It is time for us to stand up and say that we will protect our migratory birds, we will stop the slaughter of the birds off the east and west coasts and we will make the person who perpetrated that crime pay to the fullest extent of the law.

Hon. Robert Thibault (Parliamentary Secretary to the Minister of Health, Lib.): Mr. Speaker, we have many examples that are often discussed here about the human impact on the environment. I wish to voice my support today for the proposal before us. It takes some very simple measures to address one of these impacts. I am speaking of the devastating impact on the seabird population from the deliberate oil pollution off our coastlines. I am speaking of the needless deaths of our 300,000 seabirds, the small dovebies, the colourful puffins, the gulls and the murre. I am speaking in defence of the 35 million seabirds that feed off our coastlines on the rich food resources of the continental shelf and share those waters with some of the busiest shipping lanes in the world.

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The act to amend the Migratory Birds Convention Act and the Canadian Environmental Protection Act is not groundbreaking policy. We do not need to debate the principles of pollution prevention and enforcement. These principles are already entrenched in our laws and they are very good.

• (1210)

[*Translation*]

These amendments will allow us to take quick and definitive action against those who discharge oily bilge water at sea and kill the seabirds, instead of taking the steps necessary to separate the oil from the water and dispose of it in an environmentally safe manner.

These amendments before us are an opportunity to make it known to offenders in the shipping industry that we will not stand by and watch these birds die every winter. In the United States, there have been some recent high-profile prosecutions for this very practice. The result has been strong penalties by the U.S. government, some in the order of millions of dollars.

We must act in a way that is consistent with the United States. We do not want to be viewed as a safe dumping ground.

[*English*]

The proposals before us today will specifically amend, clarify and reinforce existing legislative tools in a way that emphasizes early and decisive government action. We will see immediate results.

For instance, captains and officers of ships will be responsible for acts of pollution from their ships. We will be able to prosecute owners, operators and other responsible individuals, if there is evidence to indicate that they are responsible. We will give the mandate to specific enforcement authorities. We will also be able to prohibit falsification of records and harmonize our approach to that of the United States.

[*Translation*]

Pollution has been against the law for some time. Now we need to support these measures to give teeth to those laws so that, in the winters to come, we will see fewer deaths of seabirds from human activity.

[*English*]

The amendments place no burden on those who already take their environmental responsibility seriously. There will be no additional responsibilities nor obligations to the good citizens in the shipping industry. The amendments will become their environmental conscience and by passing them we become part of that environmental conscience. This is the right thing to do.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I am pleased to have this opportunity to speak to Bill C-15, an act to amend the Migratory Birds Convention Act, 1994 and the Canadian Environmental Protection Act, 1999, particularly since I spoke when Bill C-34 was introduced during the last Parliament.

It is always a bit strange to hear mainly from the Liberal members, whether new or old. Everyone agrees that it is a real natural

catastrophe that 300,000 migratory birds die yearly, oiled to death as it were, thanks to the thoughtless dumping by ship operators.

The real question that has to be asked is this one, however: why a second bill? Why was Bill C-34 not passed during the last session? Another 300,000 migratory birds will have died in the meantime. The reason: lobbying. The shipping company lobby controls this Liberal government, and it is the Liberals who introduce the bills.

What is the only change that has been brought in, between Bill C-34 and C-15? The matter of due diligence. Therein lies the problem: the shipping lobby was not happy with Bill C-34. All parties in opposition—or at least the Bloc Québécois—spoke out against the fact that Bill C-34 gave the excuse of due diligence to the owners, the shipping companies, the board members, the masters, the crew. They had the opportunity to plead due diligence.

Today, they want to amend the various items under 280. A new term is added to each, both for directors and officers, in 280.1, and for the master and chief engineer in 280.02. Clause 280.1 therefore reads as follows:

280.1 (1) Every director and officer of a corporation shall take all reasonable care to ensure that the corporation complies with:

In the previous Parliament, Bill C-34 gave them the excuse of due diligence. Now, they are told they have to exercise due diligence, but this little word, diligence, is still in the legislation and will give them a way out in court. That is why I am warning my colleagues who will be sitting on the committee, because there lies the problem.

Why did Canada never pass legislation, leaving 300,000 migratory birds to die every year for decades? Simply because the shipowners' lobby is more powerful than the Liberal Party. It is that simple.

It has been persuaded not to pass legislation. To prevent these birds from dying, we need efficient legislation, fines and prison sentences. That is what the law provides. But this bill is still pushing this due diligence defence.

All of us, and those listening as well, when we pollute, we have to pay damages. Just think of all those who travel across Quebec all summer long in their campers and RVs. There are designated dumping stations. Standards have to be complied with.

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In the transportation industry, however, there were no such standards. Naturally, we have to put in place legislation—and I am saying this for the benefit of those listening—dealing with basic respect for human beings and, in this case, for migratory birds and the entire animal population. We realize that, in this society of ours, there is a category of operators, namely ship operators, that did not have to comply with basic standards like those prohibiting all dumping of bilge water in the ocean or in the St. Lawrence river. Obviously, with dramatic results.

That having been said, I hope that the bill will be passed quickly, after very strict penalties have been included of course. As several of my colleagues indicated, we also need tools for monitoring. The other way out for the government not to enforce the legislation is not to provide the Coast Guard and all stakeholders with the tools they need to board and examine ships.

● (1215)

We must be able to enforce this legislation. It is fine to pass a bill, but we must have the money necessary to enforce it. Otherwise, as experts are telling us, Canada will continue to be the place in the world where the largest number of migratory birds die because of pollutants released by ships.

This is yet another accomplishment of the Liberal Party of Canada. Perhaps it takes pride in being considered the world's worst polluter. By contrast, Bloc Québécois members, and other members in this House, have much more of a social conscience. We hope that there will be a standard, that there will be enough money, so that the Coast Guard and all the stakeholders are able to board these ships. We must have the means to send these people to jail.

Do not worry. After a few of these individuals have spent time in jail and have had to pay huge fines, they will take all the necessary measures to avoid polluting again.

Every year, 300,000 migratory birds die. This is a tragedy. But it does not end there. Environmental experts are saying that we are the most tolerant country regarding such releases. This means that we are among those who do the most damage to migratory birds in the world. This is sad.

We talked about Bill C-34 over the past two years. We will still debate Bill C-15 for a while in this House. Despite all this, the industry has not changed its way of doing things. It is still releasing pollutants, with the result that, year in year out, we continue to lose 300,000 migratory birds, in addition to all the damage caused to wildlife, which has yet to be assessed.

Again, this is all a pretence. In this Parliament, lobbyists have traditionally been more powerful than politicians. However, Canadians changed that in the last election by electing a minority government, thus giving much greater powers to the opposition. People will see how these powers are used. They will see what the opposition will do when the time comes to make the necessary amendments to this bill. This legislation should truly be a deterrent for those who do these terrible things.

Why would oily matter be discharged into ocean waters and the Gulf of St. Lawrence? This is done simply because it costs a lot less than having the necessary equipment to process it immediately on board. Processing consists in discharging good water and keeping

pollutants for subsequent release in areas equipped for that purpose, such as in the ports when the ship docks.

Somehow money is the reason again, but savings are made at the expense of wildlife. Migratory birds suffer the consequences; some 300,000 birds die annually.

It is a sad commentary on this Parliament. We are not able to pass legislation. Bill C-34 is a good example. The strong opposition we have right now in this minority government will probably manage to get the point across that we cannot tolerate such pollution in our territorial waters. That is why the zone was increased from 12 nautical miles to 200. With a strong opposition like the one we have now, we will have a decent bill.

We will make sure that this standard is respected by all users, but especially by the marine transportation industry, so that the shipowners will not win. We will try to rein them in. That is the goal so that 300,000 migratory birds no longer have to die each year.

There is still a problem. A minority government can always end up forced into an election if its budget is defeated. I hope, once the bill is passed, that the government will allocate the necessary funds for the Coast Guard and all stakeholders to be able to stop this bunch of troublemakers, all these irresponsible people who discharge substances into our territorial waters that endanger our migratory birds.

● (1220)

[*English*]

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, I am pleased to have an opportunity to speak to Bill C-15, an act to amend the Migratory Birds Convention Act, 1994 and the Canadian Environmental Protection Act, 1999.

Anyone who has hunted ducks or geese will know that the regulations under the Migratory Birds Convention Act are in place to ensure that hunting never threatens the survival of the hunted species. These regulations are amended annually, taking into account the status of bird populations. Canadian officials meet with their United States counterparts, comparing information so that there can be consistency in approach.

The result of this system, using scientific information derived in cooperation with the U.S. government, consultations, regulations and, where appropriate, enforcement, has ensured that the over-hunting of migratory birds will not put any species at risk. Indeed, under this consultation regime, Canadians and Americans continue to enjoy healthy populations of waterfowl.

Government Orders

As has been pointed out by other members, the Migratory Birds Convention Act deals with hunting, but it is not just about hunted species. In fact, the majority of species protected under the act are non-game species. Many other species that could be game species under the migratory birds convention are not hunted in Canada, such as the white-rumped sandpiper.

Before I tell hon. members about the sandpiper, it will be of interest to persons in the House to know that when the original Migratory Birds Convention Act was debated here, the right hon. Sir Wilfrid Laurier was leader of the opposition. He rose to make the point that I am making now, that the Migratory Birds Convention Act must not be just for the protection and use of hunted species, but for the protection of the valuable and much appreciated non-game as well.

The migratory birds convention makes an international commitment for Canada ensuring the preservation of migratory birds while they are within our country, using a uniform system of protection. The Migratory Birds Convention Act and the migratory birds regulations accomplish this. They fit together to make an effective system for the protection of bird species from unsustainable uses.

As part of this protection, it is illegal today to put substances such as oil into habitats frequented by birds, but the system is not complete. This bill ensures that such provisions and prohibitions can be enforced to the edge of Canada's exclusive economic zone if need be.

The migratory birds convention was amended in 1995. Those amendments were brought to this House in 1999. One of the most important steps taken in these amendments was to modernize the convention wording. In 1916, when the convention was first drafted, words such as habitat and conservation did not have the meanings that we use today.

United States President Theodore Roosevelt is given credit for developing the concept of conservation for wise use, thereby initiating the concept of conservation in its modern sense. Conservation as applied by President Roosevelt meant that any uses of nature should be sustainable, that management should be backed up by scientific study, that all natural resources in an area are interrelated, and that conservation is a public responsibility.

The migratory birds convention has always been a model for international management of shared species. Brought up to date with the 1995 amendments, it speaks of principles of conservation. Among these it states that migratory bird populations should be managed internationally, across borders, that a variety of sustainable uses should be ensured, and that habitats for the conservation of migratory birds should and must be protected.

These are good sound principles for birds and for Canada. If we look to the sustainability of bird life, we will in large measure ensure our own future and preserve Canada's unique position among the world's nations as a place of abounding natural beauty and resources.

Protecting birds and their habitat is not only important to ensuring the sustainability of the Canadian economy, it also provides direct economic benefits. As stated in the national round table on environment and economy's report: "The case for nature conserva-

tion in Canada is more than simply environmental, aesthetic or spiritual: it is increasingly economic".

● (1225)

Let us talk about birds and the economy. The economic contribution of birdlife in Canada has been estimated to number in the billions of dollars annually. First, the amount that people spend directly on bird related nature activities comes close to a billion dollars.

According to a survey conducted by StatsCan, Canadians spent almost \$824 million as part of their annual hunting activities in 1996. Of this amount, that year, bird hunting accounted for \$184 million. In the same survey, wildlife viewing accounted for approximately \$1.3 billion.

Other surveys have shown that expenses primarily related to birdwatching make up the largest portion of wildlife viewing expenses. The economic value of bird related activity comes close to a billion dollars.

Beyond this, consider the economic activity that is coming from nature related businesses: tourism, retail sales, outdoor goods and a wide variety of service industries. They all benefit from secondary economic effects from hunting and viewing of migratory birds. Information gathered by the survey outlined the importance of nature to Canadians. That showed that nature related activities generate approximately 215,000 jobs in Canada. Our estimate of the economic benefits of birds rises from the first billion to several billion dollars.

Let us talk just for a moment about birds as national symbols. Despite the compelling argument that these economic figures present, not all of society's needs can be quantified or translated into economic terms. Canadians assign intrinsic value to the natural environment and birds are part of the national identity and are of tremendous cultural and spiritual importance to Canadians.

Attempts to ascribe a value to the ability to watch a great blue heron in its early morning hunt or a flock of dunlins feeding at Robert's Bank along their annual journey will inevitably fall short. While many describe this value in the context of the quality of life benefits associated with the natural world, the importance of nature transcends these simple measures for many people and many cultures for whom it is strongly linked with their spiritual and in fact religious beliefs.

Let us talk about the impact on human health. I have spoken of economic benefits and of the spiritual benefits. However, the benefits in terms of the impact on human health cannot be understated or overrated. These actions to protect the ecosystems of migratory birds are an important element of sustaining human health. Healthy wetlands, for example, are not only important to many bird species and other wildlife, but are also integral to maintaining water quality and the quality that human life depends on, healthy forests that provide for habitats for birds.

Government Orders

I could go on in terms of safe sources of food and drinking water, and clean air that we breathe and relate that to a quality of life that we enjoy.

I have spoken about the value of migratory birds generally and it is tremendous. I have also spoken about the value of birds as food. Two species valued for their meat in Newfoundland, for example, bring us back to the Grand Banks. Busy shipping lanes and the results that oil spills have had have been devastating to the fisheries in Newfoundland, and have had an impact across our country and an impact throughout the world.

I am satisfied and I hope that members of the House will support this bill. The Migratory Birds Convention Act, 1994, will be better, not only when the topic is the oiling of birds at sea, but for the protection of migratory birds throughout the country.

I urge the House to support this bill. I know that all members of the House can look forward with me to the day when the sight of oil stained dead and dying seabirds in the bays and on the beaches of Canada's coast can be forgotten.

● (1230)

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Mr. Speaker, it is a pleasure for me to rise today to speak on this bill, which is so beneficial to our environment, to our wildlife, and, as the honourable member mentioned a few moments ago, to our economy.

I know this bill will please a scientist I know, Lynn Miller, who runs an organization called Le Nichoir, which is not far from my riding, in the village of Hudson, Quebec. Her organization is dedicated to rehabilitating damaged birds. She has done a great deal of research on the impact on birds of exposure to crude oil. She has come up with some excellent findings as to the possible effects of crude oil exposure on humans. If she continues her research, she may be able to draw some conclusions about risks that perhaps those who work on oil rigs and so on may be exposed to.

I would like to tell the House a story about a covert operation off the coast of Newfoundland. It is nighttime and the middle of winter. A ship has left port. Its captain has decided not to pay the \$1,000 or so it would cost to empty the waste oil in the water from the engine room bilges. He is following the directions of his operators. This ship has a schedule to meet, and it must not waste time. The ship gets about a hundred nautical miles out of port. Those in the engine room know they should be using oily water separators to get the oil out of the waste water, but they have a schedule to keep and they need to press on. What do they do? They dump it overboard, oil and all. They go on their way under the cover of darkness. What is a little oil in the great big ocean? Isn't business important?

Well, a little oil is a pretty big deal. That seemingly small amount of oil disperses through the water in the cold Atlantic from November to March. The oil comes in contact with millions of seabirds that share the shipping lanes with those big ships.

The oil spot attaches itself to the feathers of a puffin. When the cold of the Atlantic Ocean starts to seep in, the bird struggles against the cold but it cannot, because its defences have been broken down. It finds it hard to move. It finds it hard to eat. This puffin might struggle for two days before it dies. Eventually it washes up on shore.

● (1235)

[*Translation*]

This story plays itself out so many times over the course of a winter that some 300,000 seabirds die, and that is just off the Avalon peninsula of Newfoundland.

And we have to know that the oil in the water is also affecting the plankton, the plant life, the fish, the crustaceans—anything that makes its home off our coasts. We are not proud of this story. But it happens because the risk of detection and the potential fine for that ship operator is so low that he does not mind running the risk of being caught.

It happens because our technology is not being put to best use so we can see that slick behind the boat after the bilge water goes overboard. It happens because we need to make stronger these two environmental laws with this bill before us.

That's all we have to do; amend two good pieces of legislation so we can strengthen our enforcement tools, make the fines higher, get the science and technology to better work, and above all establish accountability for those who make these decisions.

I urge the hon. members to support this bill before us. It is time for us to bring these stories to an end. This is our opportunity, and perhaps with swift action we can see fewer such stories written as early as the winter of 2005.

[*English*]

The Acting Speaker (Mr. Marcel Proulx): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Marcel Proulx): The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

The Acting Speaker (Mr. Marcel Proulx): I declare the motion carried.

Accordingly, the bill stands referred to the Standing Committee on Environment and Sustainable Development.

(Motion agreed to)

* * *

● (1240)

CONTRAVENTIONS ACT

(Bill C-17. On the Order: Government Orders:)

November 1, 2004—The Minister of Justice—Second reading and reference to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness of Bill C-17, an act to amend the Contraventions Act and the Controlled Drugs and Substances Act and to make consequential amendments to other acts.

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Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am pleased to speak to the motion regarding Bill C-17, an act to amend the Contraventions Act and the Controlled Drugs and Substances Act.

Bill C-17 addresses an issue that is on the minds of many Canadians; that is, the reform of cannabis legislation. It is also an issue that remains a priority of the government, a priority that was reflected by the Prime Minister in his statement last summer that the government would introduce this legislation again in Parliament.

Many Canadians believe that the potential harms of using cannabis are outweighed by the stigma arising from a criminal conviction and would like to see a reduction in the negative social impact of a criminal conviction.

Public opinion surveys indicate that a majority of Canadians favour the removal of criminal sanctions for possession of small amounts of cannabis for personal use. A 2002 Gallup poll survey indicated that 77% of Canadians believe that cannabis possession should either be legalized—that is 37%—or that a fine should be the only penalty for the offence, and that was indicated at 40%.

Concerns have also been expressed over the unfair and unequal application of the law. Police and court activity in respect of the possession offence vary considerably from region to region.

In some parts of the country offenders often receive no more than a verbal warning, and if charged and tried will likely receive a conditional or absolute discharge. In other parts of Canada an offender is more likely to be charged, and if convicted is likely to receive a fine or a more serious penalty.

I believe that given the current thinking by many Canadians on this matter, it is time to reform our legislation dealing with cannabis. The government has a responsibility to Canadians to adapt to and address these current concerns. With this proposed legislation, our drug law will be reformed so as to reflect Canadian reality.

Canadians believe that alternate measures such as fines are more appropriate than criminal convictions for the possession of small amounts of cannabis. The Senate special committee on illegal drugs commissioned a qualitative study of Canadians' attitudes toward cannabis. This study found that most Canadians are not concerned with the occasional recreational cannabis use, and support alternative measures of dealing with the possession of small amounts of cannabis.

A Decima poll conducted in September 2003 showed that a majority of Canadians favoured marijuana decriminalization, while a significant number agreed there should be complete legalization.

[*Translation*]

Considerable research was carried out by two parliamentary committees, which heard numerous witnesses in connection with Canada's drug legislation. In September 2002, the special Senate committee on illegal drugs tabled its final report, recommending the legalization of cannabis. The special House committee on the non-medical use of drugs recommended in its report on December 12, 2002 a comprehensive strategy for decriminalizing the possession

and cultivation of not more than thirty grams of cannabis for personal use.

In the September 2002 Speech from the Throne, the government made a commitment to “act on the results of parliamentary consultations with Canadians on options for change in our drug laws, including the possibility of the decriminalization of marijuana possession”.

● (1245)

[*English*]

Canadians are also concerned about the proliferation of commercial cannabis marijuana production operations, commonly known as grow ops. This issue has also become a problem of serious law enforcement concern. These concerns relate to the involvement of organized crime, risks to public safety from operations in residential districts, and threats and intimidation directed at the owners of farms and other private property where production is undertaken.

The smuggling of cannabis from Canada to the United States has become a major issue in cross-border law enforcement relations. In spite of considerable amounts of enforcement resources being used to control these grow ops, these efforts have failed to curtail them.

Bill C-17 proposes reforms in respect of two areas, the first dealing with the possession offence regarding small quantities of marijuana and cannabis resin, and the second dealing with the offence of production or cultivation. Under this proposed reform, amendments will be made to the Contraventions Act and the Controlled Drugs and Substances Act. In the first instance, the Contraventions Act will be amended so as to permit the act to apply to the new possession offences involving small quantities of cannabis material and to the new cultivation offence involving a very small number of cannabis plants.

Secondly, the Controlled Drugs and Substances Act will be amended to create four new offences of cannabis possession involving small quantities of cannabis material, each with distinct penalties: possession of one gram or less of resin punishable by a fine of up to \$300 for adults and up to \$200 for youth; possession of 15 grams or less of marijuana punishable by a fine of up to \$150 for adults and up to \$100 for a youth; possession of either of those amounts with one or more of the following aggravated factors—while having care and control or while operating a motor vehicle, while committing an indictable offence, or possession in or near a school—which offence will be punishable by a fine of up to \$400 for adults and up to \$250 for youth; and possession of more than 15 grams, up to and including 30 grams, punishable by a fine of up to \$300 for adults and up to \$200 for youth when prosecuted by way of a ticket, or punishable by up to six months and/or a fine of up to \$1,000 if prosecuted by way of summary conviction.

For the first three offences, law enforcement will be able to issue a ticket exclusively. Peace officers will have the discretion of enforcing the fourth offence either by issuing a ticket or a summons, depending on the officer's appreciation of the circumstances related to the offence.

[*Translation*]

As for the cultivation of cannabis, the bill would restructure the offence as follows: one to three plants: guilty of an offence punishable on summary conviction and liable to a fine of \$500 or, in the case of a young person, \$250. This would be exclusively by ticket.

For four to twenty-five plants: guilty of an offence and liable, on conviction on indictment, to imprisonment for a term of not more than five years less a day, or on summary conviction, to a fine of not more than twenty-five thousand dollars or to imprisonment for a term of not more than eighteen months, or to both.

For twenty-six to fifty plants: guilty of an offence and liable, on conviction on indictment, to imprisonment for a term of not more than ten years. Finally, for more than fifty plants: imprisonment for a term of not more than fourteen years.

• (1250)

[*English*]

Under the proposed legislation, the courts would have to give written reasons for not imposing a custodial sentence when one or more of the following factors are present: a person used real property that belongs to a third party to commit the offence; the offence constituted a potential security, health or safety hazard to children in or near the area where the offence was committed; the offence constituted a potential public safety hazard in a residential area; and the person set or placed a trap, device or other thing that was likely cause the death or bodily harm where the offence was committed.

The question of changing our law on cannabis is one of long-standing, going all the way back to the LeDain commission in the early 1970s. Cannabis legislation and, more specific, the offence of possession of small quantities of cannabis has been a topic of considerable public scrutiny and political comment.

The government proposes to address this issue through this bill. I hope the motion to send the bill to the committee before second reading will receive the support of all hon. members.

Mr. Randy White (Abbotsford, CPC): Mr. Speaker, it is unfortunate that we are sending the bill right to committee because it deserves a lot of debate in the House from the onset in second reading.

We are here today once again opposing Bill C-17. Not much has changed in the country in terms of the Liberal position on the bill. The Prime Minister, before he was Prime Minister, suggested that we should have some significant changes from the last time it was introduced in the House of Commons, but we do not.

I want to address some of the issues my colleague in the Liberal Party addressed as well. He talks about reform of cannabis legislation. This will not do what the country is looking for it to do. We are dealing with the decriminalization of marijuana. While we have kids on our streets addicted to crystal meth, crack, heroine

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and all kinds of other drugs, we are playing around in the House of Commons with decriminalization of marijuana. We should be ashamed of ourselves for not dealing with the real issues of addiction.

We will talk about criminal sanctions and inconsistencies. The government thinks it is addressing these, but it is making them inherent in this new bill. We will talk a little about occasional use. The Liberals seem to think that 30 grams is occasional use. Thirty grams is anywhere from about 45 to 60 joints. I hardly call that occasional use. If they were talking about decriminalization of minor possession, it would be around 5 grams, not 30.

The Liberals talk a lot about polls, but they should talk about health. They should talk about the enjoyment of life, when we have addicted people out there. We should not be talking about polls, we should be talking about the distress of people who are addicted.

What is this about? The bill says that drugs are illegal. It also says that people will not get a criminal record, if they are over the age of 11, for possession of 30 grams of marijuana or less, which is 45 to 60 joints pure, with an option for police to charge for criminal purposes over 15 grams. Police officers who are on the streets will not be issuing a summons for 15 grams. In fact I do not know how they can even assess whether one is holding a Baggie of 15 grams, 18 grams, 5 grams or 30 grams. Right away one of the premises of the Liberals is shot.

Marijuana is bad for one's health. I have a list of things that are bad, but most prominently it increases the work of the heart. The changes in heart rate and blood pressure are the same as those found in a person under high stress. With the lungs, it is more irritating, with 50% more tar than tobacco. It has a greater effect on the upper airways than tobacco, and may cause lung, head and neck cancer. We are talking about something that is really unfit for people and is in fact worse than cigarettes.

I do a lot of work with drug addicts around the country and I have lots of letters. I want to read a couple of statements from drug addicts. I asked them to give me an idea of what they thought about the marijuana legislation. I did not prompt them in their words. I will give some extracts. I have met every one of these people in various rehabilitation houses across the country.

Lance Kohler states:

As a living, breathing example, or testimony as to what Marijuana can do to the average kid, I would have to share how I was introduced to Marijuana in grades 5 and 6, was a smoker and a drinker by the time I was in grade 7. I was a chronic pot smoker, and I managed to hide it all from my family. I dropped out in grade 10 to pursue a career of making money for drug use and ended up in an insane, \$100 a day crack addiction.

I want to emphasize that we are talking about a bill that is decriminalizing something as serious as this.

Mike Bremnar states:

I have been an addict for 20 years. I have used most every drug on the street and even from the pharmacy. I had a promising future, good at school, until I smoked my first "joint". It has been a long downhill journey through broken relationships and unfulfilled dreams.

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This is not about polls and surveys, as the Liberals would say. This is about real people with real problems. However, marijuana is everywhere. About 23% of Canadian people have at one time tried marijuana, and it will not be eliminated. It prominent in my area of British Columbia.

● (1255)

What do we do about it? The government suggests that possession of 1 to 15 grams will be punished by a fine, \$150 for adults and \$100 for youth aged 12 to 18. How it intends to find a 12-year-old in grade 6, I have no idea. I have yet to hear the justice department to explain that one. Possession of 15 to 30 grams is punishable by a fine of \$300, but there is another discount for youth. They will only pay \$200 or by summons by police discretion. Over 30 grams remains a criminal offence.

In the main points of the bill with regard to growing, there are fines of \$100 to \$300. I just spoke with one of the senior police chiefs in the country. He said that a six foot marijuana plant was worth \$3,000 and a three inch marijuana plant was worth nothing. However, the Liberals are considering that if someone has one to three plants, the person will be fined \$500. One has to wonder from where the government is coming. The reality on the street has no relevance to what is being put in the House of Commons.

Here is what the bill fails to consider. I wish I could flash what 30 grams of marijuana looks like, but I cannot. The street value of 30 grams is about \$300, except in British Columbia where there is a discount because it is so prominent. That produces 30 to 60 joints. No one who smokes marijuana carries 30 grams unless that person is selling it. That will come from anybody dealing in the marijuana market.

The other thing that gets me is the Liberals have said that they will get really tough on grow ops. They will increase the maximum penalty. With the maximum penalty today, people can get up to seven years. Let me give an example from the 161 cases I have here. Remember that the maximum penalty in Canada is seven years.

A guy was caught with a \$440,000 grow op and the estimated value of growing equipment seized was \$4,000. He was convicted and received a 30 day conditional sentence in the community and a fine of \$5,300. What is the point of having maximum penalties for grow ops when judges are not issuing maximum penalties. We need minimum penalties for grow ops.

Let me give another example of a \$742,000 grow op. The guy was convicted and received a six month conditional sentence to be served in the community and a \$2,000 fine. That was for a \$742,000 grow op. What is the use of issuing maximums, if the courts are only giving minimums?

Some things have to be done. Since I only have two minutes remaining, I will rattle them off.

With regard to decriminalization, if the Liberals are talking about minor amounts, it should have been 5 grams, not 30. That is a ridiculous amount. There should be a reasonable method for judging the quantity of grams at the street level. That has not been done.

Fines should be progressive for subsequent offences, not the same all the way through. They should be equal for youth and adults.

There should not be a youth discount for marijuana. They should be tied to something concrete, such as drivers' licences, to force payment. Police around the country have said that they will not collect the money. There is no ability to collect this money and people will not pay it anyway.

We must have in place effective roadside assessment technology to detect drug driving. That is not available currently. Court decisions are inconsistent. Minimum penalties must be put in place for grow ops. Provisions must be in place to ensure judicial discretion does not continually raise the bar. What will judges do with 34 grams? They will not charge the person with a criminal offence for four more grams.

Finally, there is no national drug strategy. We are dealing with the decriminalization of marijuana, when tens of thousands of people are addicted to hard drugs. From where is the government coming? We are opposed and we will remain opposed.

● (1300)

[*Translation*]

Mr. Richard Marceau (Charlesbourg—Haute-Saint-Charles, BQ): Mr. Speaker, after seven years in this illustrious place, we develop habits, some good, some bad. It is my practice, perhaps a bad habit, to start all my remarks by saying that I am pleased to speak on Bill x, y or z. I cannot say that I am pleased today, because I am tired of addressing this topic in the House time and time again.

Let us recall the various stages. We have had thorough debates in the special committee struck to look into the issue. This special committee made recommendations, which we debated. Then came Bill C-38, followed by Bill C-10, in the previous Parliament, both of which went through first, second and third reading, with more discussions at each stage. work was done in committee. The legislation died in the previous Parliament, because of the lack of political will of the current Prime Minister, who did not dare to go before the voters after decriminalizing marijuana. He probably did not want to leave himself open to criticism from the Conservative Party.

Because of the Prime Minister's lack of political courage, here we are starting all over again the whole process of passing a bill we have supported on many occasions already.

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We supported it because we base our position on three premises. First, a totally protectionist approach does not work. It costs a fortune. A perfect example of such protectionist approach is what is going on in the United States, where we can see billions of dollars being dished out with unconvincing results to say the least. Second, when all is said and done, marijuana remains harmful to health. This needs to be taken into consideration in taking a position. Third, there is a principle in criminal law whereby the punishment must not be disproportionate to the offence.

Based on these three premises, we support the bill before us, Bill C-17. It is important when we debate an issue such as this that we target what we are talking about. We must be clear that we are talking about decriminalization and not legalization. The public often mixes up these terms. Decriminalization still carries with it penalties. If Bill C-17 is passed, a person caught in possession of a small amount of marijuana will be penalized. It will still be illegal, but the penalty will not be criminal, in that the person will not have a criminal record.

In my opinion, a criminal record is tragic for 18 year olds. My colleague from Abitibi—Baie-James—Nunavik—Eeyou, an eminent criminal defence lawyer who has defended young people caught with two or three joints in their pockets, made me realize this. A criminal record has major consequences on a young person's career and ability to travel to the United States, among other places. God knows, in order to get to many places, Canadians have to go through the United States. Having a criminal record would make it impossible to travel to many places in the world. A young person could end up with a criminal record for many years and be prevented from travelling or getting certain jobs. For possession of two or three joints, the consequences are excessive. The person ends up in a state far worse than the one they started in.

Some witnesses and members of the Conservative Party have said that decriminalization, which, I repeat, is different than legalization, sends the wrong message to young people.

● (1305)

According to them, if the members passed this bill, the use of marijuana would increase almost magically by leaps and bounds.

Yet studies in other countries, Australia for one, where certain states have decriminalized marijuana, have shown that this is not the case. What they do show is that decriminalization of small amounts does not lead to increased use by young people. Instead of putting money and resources into repressive tactics, the money can be used to set up preventive programs explaining that marijuana is not good for the health. That money from Ottawa should go to the provinces since education is their responsibility. Good prevention is better than bad repression, which often tends to have disastrous consequences.

Another reason for our support of the bill is that, in the past Parliament, one of our proposed amendments became part of the bill. A person found in possession of a crop of one to three plants would not be put into the criminal system, in other words would be considered almost a case of possession rather than of cultivation.

We wanted to avoid the situation of an occasional user like the guy with his one plant on the window sill being forced by fear of criminalization to get his supply from the black market, which as

hon. members know is controlled by organized crime. That was what we were trying to avoid. I am very pleased that this suggestion got adopted. It was, moreover, supported pretty effectively by my NDP colleague who is going to speak next, their House leader. Thanks to her work and that of our Liberal colleagues, worthwhile efforts for once from them, this recommendation was adopted.

I will make a quick aside if I may, though I have so much to say. There was reference just now to prevention. Let us put police officers and the forces of law and order in a position to really make a difference. Now we can talk about organized crime.

Last week, I tabled a bill on the reversal of the burden of proof for any person convicted of being associated with a criminal organization. I am sure that hon. members read it with great interest. This initiative was extremely well received by police officers and by crime reporters, including Guy Ouellette, Michel Auger, who wrote about it this morning in *Le Journal de Montréal*, and Yves Boisvert, who mentioned it in *La Presse*. They praised the bill.

If the government really wants to fight organized crime, it will support, along with the NDP, the Conservative Party of Canada and, of course, the Bloc Québécois, the bill tabled last week.

As time is passing, I will simply point out two things. Today, we have the opportunity, by passing this bill, to do something that will benefit everyone. We will decriminalize the mere use of marijuana for personal purposes. It means more resources will be available for prevention, instead of being used for punitive action, which is totally useless. It also means that police officers can stop spending so much effort going after small consumers or people who have a small amount of marijuana in their possession. Instead, they can focus on the real issues, on the areas where they can make a difference and where the public wants them to make a difference, namely in the fight against that societal, economic and political plague, organized crime.

● (1310)

[English]

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I am pleased to have the opportunity to speak yet again to a bill that would reform our laws governing marijuana.

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I will begin by echoing the comments made by my friend from the Bloc. The bill has been before us twice. This is the third time around. It was only because the former finance minister, now the Prime Minister, was afraid to take this on before an election that we are now back in a position of redebating a bill that already went to a committee, already had some amendments made to it and is now back in the House. I think that needed to be said.

This issue has been kicking around for more than 30 years. We can go all the way back to the LeDain commission and the recommendations that were made around decriminalization and legalization. It seems to me that there is a reality out in the broader community around this issue but it is the elected representatives who have failed to catch up and be realistic about what we need to do when it comes to drug policy and law reform.

I am proud to say that the federal NDP has long advocated for the decriminalization of marijuana. I believe we are the only party in the House that actually at our party convention had a resolution and a policy for decriminalization.

In advocating that position, we understand that we need a drug policy that does not primarily rely only on the police and the criminal justice system. I think there is a growing consensus across the country that our current marijuana laws are not working and that the drug laws themselves now cause enormous harm. Decriminalization, we believe, is a first step, but it is not the only step. It is a first step to what needs to be an open and honest debate and dialogue about the failure of the current practices.

The policy toward marijuana has too often been approached from the point of view, and I think an incorrect perspective, of focusing on the misguided belief that the illegal status of the drug is the primary factor in preventing use. This is a very important point. I listened to the Conservative member reading out some of the concerns people have about drug use and people who were in treatment.

What the Conservatives cannot deal with and the reality that they continue to deny is that by relying on criminal enforcement as the primary tool for preventing use we have actually made the situation worse. By denying reality and proper education and treatment to people, particularly young people, they are actually making the situation worse by driving the problem underground.

We understand what that contradiction is about. We believe that Canada must build a workable policy on marijuana that recognizes the failure of criminalizing people for their drug use. These policies must be part of a broader drug strategy that focuses on a health based approach, as recommended by the Special Committee on the Non-medical Use of Drugs on which I was a member.

In fact, the introduction of the former bill on marijuana in June 2003 was accompanied by an announcement of a renewal of Canada's drug strategy providing \$245 million over five years. I want to point out that that commitment fell far short of what was recommended by the special committee and is barely half of what was promised by the Liberals in the 2000 election.

I would also point out that in the Auditor General's report of 2001, the report on illicit drugs sharply questioned the reliance on enforcement and pointed out that 95% of federal funds spent on the

illicit drug use in Canada were used toward enforcement and interdiction.

We have barely put anything toward treatment and with the money that we do put into enforcement, what have we solved? Does anyone believe that we have actually solved this issue?

We believe that Canada should take steps to move marijuana out of the criminal legal framework and eliminate punitive measures for responsible adult marijuana use. We believe that we must move forward to a discussion on the best system of rules based on public health education.

For instance, there should be rules about age, rules about impaired driving and rules to tackle commercial grow ops. The federal NDP believe that the federal government must move beyond decriminalization and examine and introduce a non-punitive rules based approach to adult marijuana use, with an emphasis on prevention, education and health promotion.

● (1315)

Marijuana policy needs to eliminate the criminalization of users and focus on reducing the harms and preventing crime. What the federal government should be doing is putting resources behind public education rather than on criminal prosecution. We only have to look at the examples of tobacco and alcohol to know that consistent and strong messaging on the health risks associated with tobacco and alcohol have actually helped to reduce consumption, particularly with tobacco. It was not by making that substance illegal. It was by providing people with real honest options and a health based approach and rules around use.

It is not necessary to use criminal law to discourage harmful forms of drug use. In fact in many cases, as we have seen over the last few decades, it actually can be counterproductive.

We also believe that policy objectives need to pay special attention to keeping cannabis and other drugs out of the hands of minors. Again, this is where we need to focus on rules and enforcement that is targeted, based on rules to prevent use by minors. Recent studies have shown that consumption among youth has actually risen. The reality is that kids are choosing to opt for marijuana over tobacco.

The issue of driving under the influence of marijuana also needs to be addressed. There is another bill on that and we will be speaking to it as well.

Public policy must also recognize that the prohibitionist laws continue to fuel organized crime and other violent organizations in our society. Prohibiting drugs creates a huge black market that greatly inflates the value of drugs and the profits to be made by selling them. Even the extensive law enforcement resources used by countries such as the United States to enforce prohibition clearly show that they cannot make any appreciable dent in the drug trade as long as prohibition continues. The economic incentive created by prohibition to sell drugs is so powerful that law enforcement really has no chance of stopping the trade.

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We need to look beyond our closest neighbour and come up with a comprehensive and safe marijuana policy. The U.S. driven war on drugs is not a Canadian made solution. I do not believe we should be intimidated by some of the rhetoric we have heard from the United States that somehow we have no right to develop our own policies that are rational and intelligent. Canada should look instead to the United States as an example of a country with a disastrously failed drug policy, a failed policy because of its perennial reliance on prohibition.

When this bill last came forward, the NDP members on the committee sought various improvements and we did get some changes in the bill. We will continue to seek improvements to the bill this time around.

We want to ensure that there is an amnesty provision for those who have had a conviction for the simple possession of marijuana. About 600,000 Canadians have a record for that reason. We want to ensure that the records of fines for possession are sealed and not shared with Interpol or other foreign jurisdictions.

We want to put in measures for non-commercial transfers of marijuana to prevent passing a joint from a friend being considered as trafficking. This is what happened to Mr. Emery. He is now in jail as a result of that particular aspect of the law in terms of passing a joint.

We also want to ensure that reasonable grounds are required for searches. For example, for a warrant to be issued, police should have reasonable grounds to suspect that more than 30 grams are in a home.

We also want to see changes to the fine regime. We want to see non-punitive measures for personal cultivation of up to five plants.

Basically, we need to ensure that there is a distinction between private and public use of marijuana.

We look forward to the bill going to committee. We will have very serious amendments for consideration to improve the bill.

• (1320)

Hon. Keith Martin (Parliamentary Secretary to the Minister of National Defence, Lib.): Mr. Speaker, it is a privilege to speak to Bill C-17 which is a far-reaching, innovative bill.

Years ago I introduced in the House of Commons a bill to decriminalize the simple possession of marijuana. I was pleased to have input across party lines as to how to ensure we had more rational drug laws in this country. Bill C-17 is a strong step in that direction and I will tell the House why.

Bill C-17 seeks to disarticulate two groups: the individual user and those involved in commercial grow operations which are connected to organized crime. Bill C-17 seeks to decriminalize possession of a small amount of marijuana and also possession of a small number of plants.

The first is important because it would remove the individual from being made a criminal. Making an individual a criminal for being in possession of a small amount of marijuana is an unethical, harmful objective. The Canadian Medical Association, church groups and some police associations have also said that this is a punitive effort

that harms an individual and harms Canada at large. The individual who is charged and convicted of possession of a small amount of marijuana is stuck with that conviction forever. It significantly impedes the person's ability to work and travel for a good chunk of his or her life. That is an inhumane act.

Someone in possession of a small number of plants for individual use would not be considered as somebody involved in commercial grow operations. Bill C-17 separates that individual from those individuals involved in commercial operations that are connected to organized crime. The latter part of the bill increases penalties for those involved in commercial grow operations.

In my province of British Columbia that is a very important thing. In my province between \$3 billion and \$7 billion a year comes from the commercial cultivation of marijuana. Why is this important? It is important because, make no mistake about it, the people involved in commercial grow ops are involved in organized crime. For example, a hockey bag of marijuana that goes south across the border often comes back filled with cocaine and heroine. It is sad to say that British Columbia has become a major conduit for cocaine, white heroine and marijuana coming into North America.

The commercial grow operations are directly connected to organized crime. Bill C-17 seeks to substantially increase the penalties for those individuals who are involved in the nefarious activity of commercial grow operations and who, by extension, support organized crime in Canada, across North America and the world.

This is also important because the trafficking of drugs is connected to organized crime and terrorism. Terrorist organizations in the Middle East are connected to the heroine trade. For example, in Afghanistan right now there is one of the largest productions of opium in the world, and it will be harvested very soon. This has far-ranging implications for international security and the security of Canadians. Furthermore, FARC, the major terrorist group in Colombia, is directly connected to and is working with terrorist groups in the Middle East.

I want to say to those who are watching today that if they use drugs, they are supporting terrorism and they are harming all of us. That message is not well known but it needs to get out to not only people in Canada but people all over the world. Security is of paramount importance to all of us. People may think it may be harmless to use cocaine, heroine or marijuana, that it is their personal business, but when they buy those drugs, they are actually supporting commercial operations which in turn are often connected to terrorist groups in other parts of the world.

That is why Bill C-17 is extremely important. It dramatically increases penalties for those involved in commercial grow operations. The bill separates the small time user from those individuals involved in commercial grow operations. This is very humane. Individuals will want to make changes and they will have the opportunity to do so.

Government Orders

• (1325)

It would also be wise for us to look at the situation south of the border because individuals have said that the Americans will like this. The situation in the United States is very interesting. Some 70% of Americans do not support the marijuana laws in their country. They think the marijuana laws in the United States are punitive and grossly unfair. That is very important to know.

The United States and Canada have similar concerns over security. Both countries want to reduce harm. One thing that has been mentioned in the House is how to do it.

One of the things that is being done right now by the government is the early learning program. The former minister of labour was involved as an innovative individual in New Brunswick who worked on the head start program. It dramatically reduced a whole range of social parameters including drug use. Kids are staying in school longer. There is less criminal use by juveniles. We are going to employ that program through our early learning program to ensure that we have the most effective preventive model. We have to get to kids early on if we are going to have a substantial impact upon them in terms of drug use. This is particularly important in the first seven to eight years of life.

That is why the investment the government has made into early childhood education and early learning is exceedingly important in terms of addressing social problems such as drug use.

In the United States 70% of Americans do not support their own government's punitive drug laws. On comparing the United States to Europe, or indeed to us, we find that with the higher rates of punitive drug laws there is an increased drug use of both hard and soft drugs, increased incarceration rates, higher rates of HIV, hepatitis B, hepatitis C and other problems associated with drug use. Overall there is a much higher cost to society.

Said another way, those punitive drug laws that the United States is imposing do not help. They actually harm the situation and detract from our objective, which is to reduce drug use and increase the penalties on organized crime.

As has been said before in the House, part of the problem is the high profit margin for producing something that is essentially a weed. Because the profit margin is so high, organized crime gets involved. It will capitalize on anything where a profit exists. This law is going to disarticulate small time, individual users from those who are involved in the commercial grow operations. That is important.

In the context of the bill, some have suggested that by passing this bill, it is somehow going to fall outside the international laws that we have signed. International laws that govern these illicit substances allow individual countries to engage in those programs and initiatives they feel are going to better address small time users. We have the flexibility within the context of the international laws that we have signed to do what we think is the right thing to reduce use in Canada.

The justice minister is putting this forward because he knows and we have seen from looking at the European experience the results when drug laws are a little more flexible, when there are not those

punitive drug laws. The difference between a place such as the U.S. with punitive drug laws and Europe is quite stark. In Europe there is lower drug use, less hard drug use, less soft drug use, less crime and fewer diseases associated with this problem.

In closing, it is safe to say that our objectives and the objectives of most members in the House are clearly the same. We want to reduce substance abuse, particularly in youth, because it is not good to use these drugs. However, we also have to accept the reality in which we live. We are taking the balanced approach with this bill by being punitive with the commercial grow operations while enabling flexibility with the individual users and enabling them not to be harmed by our justice system. This is a fair, effective and a much wiser use of the limited resources we have. It is a good use of our justice system.

• (1330)

Mr. Peter MacKay (Central Nova, CPC): Mr. Speaker, I listened with great interest to the member opposite. Although his overriding message is one of protecting young people, and certainly his efforts were to highlight the health aspect of the debate and the condemnation of the use of drugs, I find much of his argument contradictory, inconsistent, and he undercuts some of his own argument in discussion, because what we essentially will see at the end of the day with the passage of this legislation is the Government of Canada condoning further drug use. That is the interpretation that will be put forward.

I also want to debunk some of the myth that is constantly put forward on this argument. When a young person or anyone in this country today goes before a court of law as a first-time offender for possession of a small amount of marijuana, the idea that they will be barred forever from entering the United States, saddled with a criminal record, and limited in their future employment prospects is absolute unadulterated nonsense. There is available in the criminal justice system today very clearly the option for a sentencing judge to mete out a sentence that will allow for a conditional or absolute discharge. It happens each and every day in courts across this country. That is the reality. This suggestion that somehow people's lives are marred forever by simple possession is pure fearmongering and an attempt by the Liberal government to soft-peddle their position on this issue.

My friend is a medical doctor. Before he drank the Kool-Aid and swallowed himself whole by joining the Liberal government, he used to very strongly advocate the health aspect of this. Marijuana taken into a system is no different. In fact I would suggest it is worse, according to some of the material that I have seen. Ingesting marijuana is very damaging; it's carcinogenic, THC.

Government Orders

I do not profess to be a medical doctor, as is the member opposite, but by condoning this and saying it's okay, it's fine, we accept that marijuana use is widespread in this country and therefore we should not put greater deterrents in place to try to eliminate drug use and try to at least control it in such a way that young people are given the proper message, that the Government of Canada is not becoming a pusher, in effect, I find very troubling. Victims groups, police, advocates, and many others who work with drug addiction are extremely concerned by this message, this soft-on-drug-use approach that underlies this particular bill.

We know that the legislation is a reincarnation of a previous bill that came before the House. We know as well in the official opposition that attempts were made to amend the legislation, to bring forward what we thought were meaningful amendments that would accept some of the realities that exist around drug use in this country. We accept very clearly that there is a need to facilitate the elimination of criminal records in some cases for those who were charged and convicted of minor possession in the past.

I would suggest as well that the amount that is before the House through this legislation is 30 grams, which is a significant amount. Thirty grams is a significant amount of marijuana—30 to 60 joints, depending on how big you roll them. This type of amount indicates very clearly that a person can carry that around and sell it in schoolyards to children. This runs completely contradictory to a strategy.

Speaking of strategies, what is the overall drug strategy of the government? It certainly does not appear clear, and it certainly seems that we are rushing headlong by bringing the legislation forward without that drug strategy in place.

I also have to go on record as saying again that it is perverse and contradictory beyond belief to be introducing a strategy that is empowering police with the knowledge of how to detect drugs in an impaired driving situation—a drug driving bill, if you will—at the same time as legislation that will make it easier to access drugs. This type of approach again I find completely contradictory on the part of the government.

The bill itself I find still seriously flawed in the schedule of amounts and the fine system that has been set out. We have a lesser fine if it is a young person, again suggesting that a young person will be treated differently by virtue of this bill by doing the same offence: being in possession of drugs.

The suggestion that we are somehow making it tougher on those who cultivate marijuana is again contradicted by the reality that there is no minimum fine in place.

• (1335)

What we have here is a maximum, which we very seldom, if ever, see meted out by a sentencing judge. It is fine to peg the high amount as the potential fine that one could face and the potential period of incarceration, yet there is no minimum sentence to reflect society's condemnation and to be a deterrent element in the criminal justice system.

The legislation is riddled with inconsistencies. The legislation is such that we will be proposing amendments at the committee stage as well.

This bill is welcome in the sense that there is clearly a need to modernize drug legislation in the country. However, the way in which these mixed messages are being brought forward by the government does little to provide confidence. It does little to do away with some of the cynicism that exists in having seen this bill come before the Parliament of Canada time and time again and then be sloughed off, put on the side burner, put aside to let it languish there, giving the public the opinion that yes, the government cares, yes, this is a top priority among the other hundred top priorities we hear about from the Prime Minister almost on a daily basis, and yet it never makes it to fruition. It never actually passes through both houses and becomes the law of the land. This is part of the continued shell game that we see the government perpetrating on an unsuspecting public. Well, the public is cottoning on; they're getting used to that approach.

We are hopeful that in a minority Parliament we will see a more efficacious use of legislation, a greater attempt to actually bring forward bills that will bring about necessary change that we in the Conservative Party do support.

We hope to have significant input into this bill when it gets to the committee stage. It is a bill that, although seriously flawed, has potential to improve upon the current state of affairs. We do support the intent of the other bill, Bill C-16, which will be coming before the House. Certainly we support the intent to arm police officers with greater capacity, training, and ability to detect the use of drugs in impaired cases, because there is still far too high an incidence of impaired driving related accidents on the roads and highways of the country today. There are far too many deaths. We fervently support the work of groups such as Mothers Against Drunk Driving and other advocates who are pushing to educate Canadians on this problem.

With respect to Bill C-17, the critic for our party, the member for Abbotsford, has put forward our position. We will be looking to improve and amend the legislation. In particular, we will be looking to address some of the shortcomings around the amounts and the fine structure that has been set up.

The underlying theme, again for emphasis, is not that we in the country are relaxing our drug law to the point where it causes great consternation in the United States. There is real concern on the part of the American administration, be it Republican or Democrat. We are not going to tread into that quagmire, as we have seen the Liberal government do on far too many occasions, by offering our opinion on the outcome. Suffice it to say that the Americans are concerned. There are trade implications when we soften our drug laws. We see far too much drug trafficking at the border. Sadly for the Americans, it is in large part travelling their way, and they have concerns about it. This bill does nothing to ameliorate this or to cause the Americans to have any greater degree of confidence in the Canadian laws.

We hope the government will be open to accepting amendments on this bill. In a minority Parliament, by its very nature, we are going to see a greater degree of cooperation, whether the government likes it or not.

Government Orders

We will make our voice heard at the committee level. We hope to take greater action on the seizure of material as well, the material that is used in hydroponics for those illegal grow ops. That will allow us to have stronger drug legislation, not weaker drug legislation, which is the way I would characterize the current bill.

• (1340)

[*Translation*]

Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, I thank you for pronouncing the name of my riding so well. I know why you can say it so well: your ancestors, your grandfather and great-grandfather were members of parliament for the riding I now represent.

I am pleased to rise and speak in this debate. I can describe myself as an old-fashioned person, a grandfather, and all that. Nonetheless, I intend to tell you today why I am in favour of this bill.

First, I do not think the existing law is adequate. I am not in agreement with the hon. member for Central Nova who told the House that the bill is bad and the existing legislation is somewhat reasonable. In effect, offenders in one village will be punished but in another they will not. In order to be just, the law must be applied equitably and universally, under identical conditions. At present, that is not at all what happens.

Furthermore, even though I am not a lawyer—and I make no apologies for that—I think there must be a principle that the punishment should not be more serious than the crime. Philosophers have been writing about this for millennia.

An hon. member: Oh, oh!

Hon. Don Boudria: Yes, the hon. member opposite can talk about prison and all that. We will get back to these topics later. At the moment, we are discussing this bill and its impact on our young people, among other things.

I was talking about punishment that is more serious than the crime. Is it right to tarnish the reputation of a young person, as the current law does, for a minor offence? In my opinion, no. Is it right to tarnish the reputation of that person for the duration of the sentence, if that person is found guilty?

The member opposite was saying that, in some cases, the legislation will probably not be enforced anyway. This way, a person would not be found guilty, and this person's reputation would not be tarnished. I am sorry, but I totally fail to see the logic in that. That is not how legislation is drafted. It is drafted on the assumption that it will be enforced. If it is not, something is wrong, generally speaking, of course.

In some cases, the law tarnishes the reputation of our young people; in others, under identical circumstances, it exonerates them entirely. We agree that there is no difference between these two cases, that they are identical. It is immediately clear that something is wrong.

The other principle I just mentioned is that of the punishment sometimes being disproportionate to the offence. I think that this might be a case in point. I say this although I am extremely intolerant of the use of such substances; it does not mean that I condone it.

On this topic, I totally disagree with the hon. member for Vancouver East, who said that this was a good first step and that, later, we should legalize all sorts of drugs, or something to that effect. I disagree. It is not the same thing at all. I would certainly not want people to think that I support this bill because I think like she does. I do not. It is not the same thing.

[*English*]

I have no notes, so I am just speaking of how I see these things applying. I believe it was a Greek philosopher who said that extreme law is extreme injury, and the rigour of law applied without temperance is not justice but the denial of it, or some such thing. If that is the case, as I believe it is, then the law does not protect anybody in that regard.

At the same time, I for one am very intolerant toward any measure that will make it such that our young people will be victims of those who perpetrate the crimes of selling drugs at the present time. There the penalties have to be increased, perhaps.

• (1345)

We need to hit those people hard. We must ensure that they do not commit these crimes. That is the real crime and the one we should be focusing on, not throwing a 19 year old in jail or by punishing the person in some other way for having smoked one joint. What on earth does that accomplish? How are we making society better by tying up the time of the courts for the more important offences and so on? That is where I disagree with what I heard from the hon. member from the Conservative Party a little earlier today.

To pretend that at the same time that means that I or anyone else automatically thinks there should be legalization of these drugs is not true. That is not the same thing at all. I do not see why it should mean the same thing, except perhaps that one member of the House in a speech today seemed to suggest herself that the decriminalization of one was a logical first step to the legalization of the other. Maybe one member thinks that way but that does not mean that I do.

The hon. member for Wild Rose asked if we had ever heard of the slippery slope. I think the existing condition is that slippery slope, not the new one that would be created by the bill. We have people now who are found guilty of an offence and the penalty does more damage than the offence itself, while there are people who disobey the law in some parts of our country with impunity. What makes it worse is that the identical offence elsewhere is punished differently. That is worse than the slippery slope. That encourages total disrespect for the law and it makes for uneven application of that law in addition to that. Both of these concepts are wrong.

[*Translation*]

A member talked to us about the quantity an individual could possess before being found guilty. Is 30 grams, 25 grams or 24 grams the right amount? This is something that should be settled by parliamentary committee, not at second reading in the House.

As we know, at second reading, we are talking about the principle of the bill. Are we in favour of what the bill basically sets out to accomplish? I am willing to accept that the quantity should be 32, 26, 24 or 16, or whatever quantity established by people who know more about this and will advise us in committee.

Government Orders

In my view, we have parliamentary committees that work very well. We always listen to witnesses, who share their knowledge and inform us on a given subject. In committee, we will be able to adjust the quantity, if necessary. I am not saying that the quantity even needs to be adjusted. However, if the member for Central Nova is worried about it—which he seemed to be earlier—this could be resolved in committee. However, this will in no way compromise the bill. In other words, it is not an excuse to vote against it. That is the argument I wish to make to this House.

That said, I must say I am old-fashioned about this and very intolerant—

An hon. member: At least you admit it.

Hon. Don Boudria: I not only admit it, I am proud of it. I am very intolerant of people who abuse substances. It is true. I am even more intolerant of people of who sell drugs, especially to our children and—as a grandfather—our grandchildren.

Nonetheless, the current law is unfair. The punishment is worse than the crime.

An hon. member: It is excessive.

Hon. Don Boudria: It is excessive, as my colleague says. We must move forward with this bill, refer it to committee, make changes if necessary and pass it as quickly as possible. We will have more respect for a law that works instead of a lack of respect for a law that has not worked for a long time.

• (1350)

[*English*]

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Mr. Speaker, I am pleased to address Bill C-17, an act to amend the Contraventions Act and the Controlled Drugs and Substances Act to decriminalize the possession of small quantities of marijuana. I will begin my comments by discussing some of the health consequences of this drug in particular.

First, let us be very clear that there is demonstrable harm with the use of marijuana. It is far worse than smoking. It is an activity that we are officially, as a House, trying to discourage. For example, emphysema and lung cancer are both consequences of smoking and drug use.

The *New England Journal of Medicine* says that smoking five joints a week is the equivalent of smoking a pack of cigarettes a day. Clearly there is a link to health consequences.

The *Neurotoxicity and Teratology* journal reports that a baby exposed to marijuana while in the womb has an increased chance of hyperactivity and social problems. The *National Academy of Sciences* says that marijuana can cause cancer, lung damage and babies with low birth weights. Another journal, *Circulation Research* of the American Heart Association reported a five-fold increase in heart attacks among people who smoke marijuana. The *British Medical Journal* revealed an increased incidence in schizophrenia and depression. Lastly, a Dutch study shows that cannabis smokers are seven times more likely than other people to have psychotic symptoms.

Clearly there is a host of health problems associated with this particular activity and we as a House should be doing everything we can to discourage it.

Let us be very clear from the very beginning. We are not talking about the marijuana of the 1960s and the 1970s, which was in a completely different category. In the 1960s the THC levels in marijuana was about .5% to 2%. What we see today coming out of British Columbia, what is known as B.C. bud, has THC levels of 35%. That is an enormous increase in the toxicity and the potency of this particular drug. What is also clear is that this is like the crack cocaine of marijuana. It is a natural step to harder drug usage. I know this from my experience, which I will refer to later, as an attorney having talked to young people who have been addicted to these drugs.

Finally, as the Canadian Medical Association acknowledges that cannabis is an addictive substance, why do we want to make it more accessible to young people instead of less accessible? I personally think it is a huge act of hypocrisy on the part of the government to have this legislation alongside Bill C-16, the drugged driving bill, because under Bill C-16 the government seems to acknowledge that driving while under the influence of marijuana is a serious concern and one we need to discourage, under Bill C-17 it makes it more accessible.

This morning I was talking to Sergeant Paul Mulvihill of the Surrey RCMP detachment in my riding. He was telling me that this approach was very short-sighted.

While I generally support the notion of Bill C-16 and the idea of a drugged driving bill, I want to comment briefly on some of my concerns. It probably needs a lot more funding to ensure that the officers are properly trained to administer that legislation and so the convictions will stick.

Health is not the only concern that I have with this particular legislation. I am also concerned about the economic consequences. We know these people have higher rates of absenteeism from work. There is a greater increase of family breakdown, a greater use of the medical system, such as addiction treatments and rehab centres, and of course there is the cost of incarceration. The more accessible these drugs become to Canadians, the more chances they will have to suffer the consequences of that. We need to consider this from an economic perspective.

I find it striking that just a few weeks ago the first ministers came to an agreement on health where they are handing out stacks of cash to the provinces to deal with health care and here we are encouraging, by reducing the consequences, behaviour that will cost our health care system enormous amounts of money. It will be a huge drain on the system.

From an economic perspective we cannot forget that we live next to our largest trading partner, one of the largest in the world, and that is the U.S. I can tell members that the Americans take a dim view of what the Canadian government is considering with this legislation.

S. O. 31

The U.S. drug czar has recently indicated that there will be repercussions if we push ahead with this plan because 95% of the drugs, particularly those grown in British Columbia, do not stay in B.C. They go straight across the border, and they send us cocaine in exchange. It is a horrible problem. In light of the delays we are currently experiencing at the border, do we want to instigate further problems?

• (1355)

As a result of the terrorist attacks on September 11, we already face higher scrutiny at the borders. The second busiest border crossing in the country is in my riding. Truckers are waiting six to seven hours to cross the border with their products and we are proposing legislation that would increase the level of scrutiny and make it even harder for people to make a living as they move trade to and fro across the border.

We are not just talking about the economy. Those are general statements. We are talking about truckers with families in my riding who cannot make a living when their trucks are sitting at the border and not moving. This is a serious problem and we are bringing forward legislation that would poke another stick in the eye of the Americans. It is not the right thing to do.

I want to briefly address some of the criminal concerns related to the legislation.

The government claims that this is not about giving kids criminal records for smoking a joint. I beg to differ. The bill suggests that a fine be given for the possession of 30 grams of marijuana, which puts this whole theme that it is pushing to the lie that it is. Thirty grams of pot is enough pot to make 30 to 60 marijuana cigarettes. Let me say that if people are walking around with 30 to 60 joints in their pockets it is not about personal possession, it is about trafficking.

What do we do here? We fine these people a \$150 for trafficking. However, to a drug pusher who is making tens of thousands of dollars a month, paying a \$150 fine is the cost of doing business and it is not a very big cost at all. In fact it is a small price to pay.

While I appreciate the fact that there are increased sentences for grow ops when 25 plants or more are at stake, what the legislation would actually do is decrease the consequences for grow ops with less than 25 plants. That just does not make any sense. Why would we be more lenient on people than we have been in the past as a result of this?

At the end of the day, without mandatory minimum sentences for these crimes, nothing will change. There will be no practical consequence.

The reality is that the lenient Liberal appointed judges are part of the problem. Because there are no deterrents under the existing system, the problem is getting worse. For example, in 1992, in the Vancouver area, 29% of the charges laid were drug related charges. In 2000 it had dropped to 4%. Clearly being lenient is not solving the problem.

I have spoken to enforcement officers in my riding who are tremendously frustrated with all the time and effort they have put

into collecting evidence and having their cases dismissed in court or the sentences being of no real consequence to the criminals.

Let us make no mistake, grow ops are a serious problem. They cost us hundreds of millions of dollars a year. In fact, electricity utilities alone lose about \$200 million per year from theft.

Where are the escalating sentences? The legislation equates the possession of pot to a parking fine. It is not even as serious as a speeding ticket where with subsequent speeding tickets the cost of the fine goes up. That is not so here.

As a lawyer who has dealt with criminals, I am all too aware of the dangers of gateway drugs like marijuana. I have spoken with far too many young adults who as teens experimented with marijuana and have now spent a decade hooked on hard drugs like heroin.

Here we are doing everything we can to help people stop smoking but we are about to legalize marijuana, a drug far more dangerous to society and especially vulnerable youth. It does not make sense. I will do everything in my power to ensure that drug dealers will not have legal access to our children, and that includes amending the legislation.

STATEMENTS BY MEMBERS

• (1400)

[*English*]

VISUALLY IMPAIRED

Mr. Navdeep Bains (Mississauga—Brampton South, Lib.): Mr. Speaker, three million people or 10% of the population cannot access regular print due to a disability and therefore require alternative formats. Only 3% of what is available in print is actually available in audio, electronic text or large print.

Microsoft, in my riding of Mississauga—Brampton South, and the Canadian National Institute for the Blind are working together to change this. They have been recognized for developing the CNIB digital library benefiting more than three million print disabled Canadians. The library provides access to tens of thousands of new books, over 40 newspapers and hundreds of magazines.

On behalf of all print disabled Canadians, I would like to take this opportunity to thank Microsoft and CNIB for their efforts and congratulate them on being presented with the award from the Canadian Centre for Philanthropy for the second consecutive year. Congratulations on a job well done.

* * *

AGRICULTURE

Mr. Inky Mark (Dauphin—Swan River—Marquette, CPC): Mr. Speaker, with the Canada-U.S. border closed to cattle exports, farmers can no longer afford to either sell or keep their livestock.

The government has provided little help politically or financially. While producers struggle, the government promises loan guarantees for the construction of Canadian packing plants. Guarantees alone will not build even one packing plant. The government stands by while this industry dies.

The Canada-U.S. border must be opened. The Liberal government must immediately start a WTO proceeding just as we have done to protect other Canadian industries. A successful challenge would oblige the U.S. to open its borders.

What is the government waiting for? When will it act? It is time that the Liberal government stood up for our cattle producers at the WTO. Canada's producers deserve a government that will support them in their time of need.

* * *

[Translation]

ATHENS OLYMPIC GAMES

Ms. Raymonde Folco (Laval—Les Îles, Lib.): Mr. Speaker, I would like to congratulate athletes Alexandre Despatie, Christopher Kalec, Philippe Comtois, Julie Leprohon, Jean Pascal, Nicolas Macrozonaris and Achraf Tadili, as well as coaches Jean-Paul Girard, Michel Larouche and Stéphane Larouche, all of whom took part in the Athens Olympic Games.

They all deserve to be honoured for representing us in their respective sports disciplines.

I have had the good fortune to witness all the sports talent in our region, even in groups of young people who participate in sports just for fun. I support all action aimed at helping our local athletes to achieve their goals. We in Laval are proud of our athletes, and I thank them.

* * *

WRITERS

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, On Saturday, October 16, for the fourth year in a row, local writers left their usual haunts and set out to bring literature to the people, in the heart of downtown Joliette.

Again this year, some fifty writers from the Lanaudière region and all over Quebec, among them the three I accompanied, Élise Turcotte, Stanley Pean and Louis Caron, gave their time and their words in particular to anyone wanting to write a poem, a greeting card, a love letter, even a political speech.

The public scribe locations were provided by various downtown Joliette businesses, thereby continuing the great partnership of our region's business and cultural communities.

My congratulations to the man behind this project, Jean-Pierre Girard, and this brave group of writers who make this unique event possible. It harkens back to the era of public scribes, when writers made their talents and knowledge available to others. Certainly no one in Joliette was suffering from writer's block that day. Congratulations to all who took part.

S. O. 31

[English]

DAIRY INDUSTRY

Mr. Lynn Myers (Kitchener—Wilmot—Wellesley—Woolwich, Lib.): Mr. Speaker, I would like to draw to the attention of the House that representatives of Canada's dairy producers from every province are in Ottawa today to meet with members of Parliament on important issues related to this vital agricultural sector.

Dairy producers are here to discuss clear rules regarding the use of dairy terms and images which are not misleading to consumers. They are also here to discuss the impact of BSE on dairy producers' income. Since the discovery of a single case of BSE, dairy producers have suffered many losses due to the decreased market value of veal calves, replacement heifers, and cull cows resulting in the loss of an estimated total of \$419 million on an annual basis. As the House knows, the dairy supply management system is based on three pillars. Each of these three pillars are equally important; weakening one would compromise the entire system.

It is most encouraging knowing that so many members of Parliament have taken the time to meet with the dairy farmers to discuss the current issues affecting this important industry.

* * *

● (1405)

RIDING OF OXFORD

Mr. Dave MacKenzie (Oxford, CPC): Mr. Speaker, as one of the first members of the 38th Parliament to be sworn into office, I am extremely honoured to stand before this House today as the member of Parliament for Oxford.

The riding of Oxford is a prime example of the fabric that makes up this great nation of Canada. It is filled with urban centres like Woodstock, Ingersoll, Norwich, Tavistock, and Stompin' Tom Connors' favourite, Tillsonburg.

During the election campaign and since then I have travelled to every corner of the riding. I can assure the House that the people of Oxford share many of the same values and concerns as those of their fellow Canadians.

I am pleased to report that the following mayors are present in Ottawa today taking part in the Ontario auto industry meetings: Mr. Paul Holbrough, Mayor of the Town of Ingersoll; Mr. Michael Harding, Mayor of the City of Woodstock; and Mr. Steven Molnar, Mayor of the Town of Tillsonburg.

I urge my fellow colleagues to welcome their presence here with us today.

* * *

[Translation]

ADISQ GALA

Hon. Sarmite Bulte (Parkdale—High Park, Lib.): Mr. Speaker, on Sunday, October 31, the Félix awards were presented at the 26th gala of the Quebec recording, performance and video industry association. This event, broadcast live from St. Denis Theatre on the French network of the CBC, celebrated the outstanding contribution of francophone music.

S. O. 31

[English]

The ADISQ showcases the exceptional talent of our artists and the expertise of professionals in the Quebec music industry. The vitality of the industry is obvious. It is reflected in the diversity and quality of its artists.

[Translation]

I would like to take this opportunity to thank ADISQ, a key stakeholder in the Canadian music industry, for organizing this event every year, and to congratulate all the music artists who took part.

[English]

The government is proud to support artists and the Canadian recording industry through various Canada music fund programs. In four years this fund will have invested approximately \$95 million in this industry in order to strengthen all of its sectors from creators to audience.

Congratulations to all the winners at ADISQ.

* * *

[Translation]

JEAN LEMIRE

Ms. Pauline Picard (Drummond, BQ): Mr. Speaker, the Royal Canadian Geographical Society will be presenting Jean Lemire from Drummondville with its gold medal for his mission and his five documentaries on the impact of climate change on the wildlife and the inhabitants of the Arctic. Since their first screening in 2003, these documentaries have been seen by more than 10 million people.

Trained as a biologist, Jean Lemire makes us realize that the thawing permafrost is distressing proof that the Arctic is suffering the effects of global warming.

In September 2005, he will head out for the Antarctic, one of regions most seriously affected by climate change. He and his team will spend one year aboard their sailboat and produce a series of movies for the International Polar Year, in 2007.

Congratulations to Jean Lemire and all his team. May his movies encourage us all to take aggressive action to save our planet.

* * *

[English]

CANADIAN AUTOMOBILE ASSOCIATION

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, I rise to congratulate the Canadian Automobile Association, CAA, for the important work it does on behalf of Canadians. I also want to welcome its 11 clubs to Parliament Hill who are visiting us today from across the country.

The CAA is a federation of automobile clubs which represents the rights and interests of more than 4.5 million Canadian motorists. Through public awareness campaigns and government advocacy, CAA is working with public policy makers to improve roadway safety, reduce accident related injuries, and assist government to meet its climate change goals.

This year the CAA's focus is on roadway infrastructure and the urgent need for additional funding. While supportive of the government's recent commitment to infrastructure redevelopment, it urges us not to forget the important role roads and highways play in the Canadian economy.

I want to thank the CAA for its efforts and for the important work it does on behalf of Canadian motorists and the travelling public.

* * *

● (1410)

HEALTH

Mr. Rob Merrifield (Yellowhead, CPC): Mr. Speaker, since 1998 the official opposition has urged the government to compensate all hepatitis C victims of tainted blood.

We accepted Justice Krever's recommendation to compensate all victims, not just those inside an artificial window. However, year after year the Liberal government has denied fair treatment to thousands of Canadians and their families. On October 21 the Commons health committee passed a motion urging this government to compensate all who contracted hepatitis C from tainted blood. The motion passed unanimously.

I have given notice to move concurrence in this House for this motion. During tonight's debate we will be looking for clear support from this government and a timetable for action, not more studies. We cannot erase the wrongs of years past, but we can do something for the remaining victims and their families before it is too late.

Compensation was the right thing to do in 1998 and it is the right thing to do today. The funds are in place; the excuses are getting weak. Canadians are watching. Victims are waiting. Let us do the right thing.

* * *

DAN MACPHERSON

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, I want to note before the House the passing of a valued member of our community, Mr. Dan MacPherson. Dan, as stated by a friend, walked the talk in being an active member of his community, his industry, his province and his country. He touched many lives.

I will name just a few of his achievements. He was president of the Prince Edward Island Branch of Holstein Canada, founding member of the Dairy Producers Association, president of the P.E.I. Federation of Agriculture, founding chair of the Farm Centre, 4-H Club leader, founding member of the P.E.I. 4-H Council and its president, Sunday school teacher and superintendent for 30 years, elder and clerk of session, trustee for the Charlottetown Rural High School, chairman of the Second Queens PC Association, funeral director, and founding member of the Central Queens Funeral Coop.

Dan was a kind and supportive family man who was a good neighbour, a successful businessman, and a man of faith who lived true to his convictions.

SUDAN

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, the Darfur region of Sudan is the site of the worst humanitarian crisis in today's world. There are 1.5 million displaced Sudanese, hundreds of thousands of starving and diseased, and tens of thousands killed, raped and tortured.

Yesterday the Sudan Liberation Army walked away from peace talks conducted under the auspices of the African Union because the government army conducted new raids on refugee camps in Darfur, denying humanitarian agencies access to refugees.

The Prime Minister must unequivocally condemn these raids. He must not use his trip to Sudan later this month as an excuse for remaining silent in the wake of these latest atrocities. Canada's peacebuilding leadership is desperately needed. We have a moral obligation to show that leadership in this desperate crisis.

* * *

CANADIAN AUTOMOBILE ASSOCIATION

Mr. Werner Schmidt (Kelowna—Lake Country, CPC): Mr. Speaker, I rise to welcome representatives of the Canadian Automobile Association. The CAA is a traffic safety advocate that works with public officials, media, motorists and the general public on such important issues as school safety patrols, the safety of child car seats and seat belts, and of course safer roads and highways.

Much of our daily routine and economic activity involves the use of vehicles travelling on a network of roads and highways that need to be maintained and upgraded for the safety of the travelling public. The CAA remains committed to these traffic safety goals and is here to remind us of the need for appropriate funding of our highway infrastructure on which so much of our lives depend.

Better roads and highways will provide Canadians with economic, environmental and safety benefits. I congratulate the CAA for its continued diligence on behalf of drivers, motorists and the travelling public.

* * *

[Translation]

DAIRY PRODUCTION

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, dairy farmers from all regions of Quebec and Canada are meeting today with members of this House.

These dairy farmers of Canada represent thousands of families working on dairy farms that generate agricultural revenues of around \$4 billion. Considering direct sales for milk processing and the economic activity derived from the provision of goods and services to dairy producers and processors, the industry's economic activity adds up to \$26 billion and provides employment for 142,505 Quebecers and Canadians.

In addition, survey results show that Quebecers and Canadians pay less for dairy products than do their neighbours to the south. Stable and competitive prices for consumers, a steady supply of high-quality milk for dairies, and the ability of producers to earn fair market returns; these are the advantages of a supply management system.

Oral Questions

I want to thank all those who feed us.

* * *

● (1415)

[English]

AGRICULTURE

Mr. Gord Brown (Leeds—Grenville, CPC): Mr. Speaker, several weeks ago we spent two evenings debating the BSE crisis in Canada. Since that time we have heard nothing positive in the House that will help our beef farmers.

In my office, however, I have heard a great deal. Regularly in my riding of Leeds—Grenville I receive calls from cattlemen who are in dire straits and are pleading for assistance to save their farms.

Among those are small farmers who have had to turn to off-farm income to pay their farm bills. Ironically, off-farm income is endangering their status as farmers and they may not pass the profitability test as outlined by Revenue Canada. Although most of the income they are earning at their off-farm jobs is being used to pay the farm bills, they may not be able to deduct all their losses.

They have asked me to remind the House, and Canada Customs and Revenue Agency officials, that we cannot afford to lose any more family farms.

* * *

EAST NEPEAN EAGLES

Ms. Marlene Catterall (Ottawa West—Nepean, Lib.): Mr. Speaker, yesterday we welcomed Canada's Olympians to the House. Today, I am proud to pay tribute to a new generation of athletes, the champions of today and tomorrow, the East Nepean Eagles.

These Canadian baseball champions proudly represented Canada at the Little League World Series in Williamsport, Pennsylvania this past summer, winning soundly over Poland by five to one.

Congratulations to the coaches, the parents and above all, the players. I am proud to welcome the East Nepean Eagles to Parliament Hill, to be congratulated personally by the Prime Minister.

Way to go, team.

ORAL QUESTION PERIOD

[English]

NATURAL RESOURCES

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, I want to come back to the anger that is sweeping over Newfoundland and Labrador over its treatment by the Prime Minister.

Oral Questions

On June 5 the Prime Minister promised to give Newfoundland and Labrador 100% of its offshore royalties. He accepted the premier's deal. On June 10 the premier wrote him to specify the terms of that deal, three weeks before the election.

Why did the Prime Minister wait until October to say that he disagreed with the terms of the deal?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, I will not get into disagreeing with the terms of the deal. I am prepared to stand behind my undertakings on this, and I want to because I believe this is very important for Newfoundland and Labrador.

Fundamentally, in terms of why the reply, it simply occurred. I said to the premier that because we would be having the health conference with the premiers, this was where the principal focus had to lie. Immediately after that we began the discussion on this.

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, very simply, I think people in Newfoundland and Labrador think that if CSL can get 98% of its offshore royalties, then Newfoundland and Labrador should get 100%.

Everyone heard the Prime Minister make a solemn promise on national television. The Prime Minister said, "I have made it very clear that the proposal that he", Premier Williams, "has put forth is a proposal that we accept". Now he wants to add terms and conditions.

Why do the Atlantic provinces have to negotiate? Why should anyone have to negotiate to get the Prime Minister to keep his solemn commitment?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, I am prepared to live up to the undertakings that I made under these circumstances and fully intend to do so.

It is somewhat ironic that the member of Parliament, who has condemned Atlantic Canada to defeatism, would stand up here now and try to defend Atlantic Canada when his entire public service record has been against Atlantic Canada.

Mr. Norman Doyle (St. John's East, CPC): Mr. Speaker, the minister representing Newfoundland and Labrador was a guest recently on the popular Rogers cable television show called, *Out of the Fog*. After that show, the people of the province knew that the minister was still in the fog on this issue.

In spite of repeated calls for the minister's resignation, he continues to toe the Ottawa line. Does the minister not realize he is causing great damage to the province's position by continuing to side with the Prime Minister on this issue?

• (1420)

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, one of the great contributions that Newfoundland and Labrador has made to public life in Canada is the men and women it has sent to the House of Commons. I am very proud to stand in the House, refer to the hon. member and say that the contribution he is making as the minister of energy and the contribution that he is making in terms of his broader vision is not only benefiting Canada, but it is of direct benefit to Newfoundland and Labrador.

Mr. Peter MacKay (Central Nova, CPC): Mr. Speaker, during the election, the Prime Minister promised that Newfoundland and Labrador as well as Nova Scotia would be primary beneficiaries of their offshore resources, 100% in fact. Based on recent revelations

by the Prime Minister's cagey campaign manager, Mr. Herle, promises made were probably motivated by the fact that they were in decline and poll numbers were down.

Despite the motivations, the offshore deal is still about fairness for Atlantic Canada, for its people and for its future.

Again, why will the Prime Minister not respect the Atlantic accord and respect the deal he promised the Premiers of Nova Scotia and Newfoundland?

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, I am pleased to tell the House that discussions continued yesterday and continue today with the two provinces involved. All of us are working very hard to find the right solution to this situation.

I can assure the hon. gentleman that we want to achieve those very positive results for Newfoundland and Labrador and also for Nova Scotia, which have been discussed in the last number of days.

Mr. Peter MacKay (Central Nova, CPC): Mr. Speaker, the list of those individuals supporting the premier, Danny Williams, grows on a daily basis. The Leader of the Opposition has supported the position. The Liberal MPs and senators have supported the position. Now even the Liberal Party of Newfoundland and Labrador has announced that it is solidly behind Premier Williams.

It is time for some leadership from the Prime Minister himself on this. Atlantic Canada's potential future is hanging in the balance. We know that Premier Williams and Premier Hamm continue to talk. They want a three-way dialogue. Will the Prime Minister make it unanimous? Will he invite the premiers of Nova Scotia and Newfoundland—

The Speaker: The hon. Minister of Finance.

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, conversations are indeed ongoing between the Prime Minister and the two premiers and between me and the appropriate counterparts in the provinces. Let me give the hon. gentleman the firm assurance that Nova Scotia and Newfoundland and Labrador will fare far better in terms of keeping deals than David Orchard.

* * *

[*Translation*]

PARENTAL LEAVE

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker—

Some hon. members: Oh, oh.

The Speaker: The hon. member for Laurier—Sainte-Marie is clearly very popular, but he has the floor and we must listen to him. Order, please.

Oral Questions

Mr. Gilles Duceppe: Mr. Speaker, on the eve of the election campaign, the Liberals made much of reaching an agreement in principle with Quebec on parental leave. Signing the historic agreement is merely a formality, the press release said. The appeal before the Supreme Court is simply for clarification, said the Minister of Foreign Affairs.

In this context, how does the Prime Minister explain that his Minister of Human Resources intends to appeal to the Supreme Court to try to impose a parental leave agreement on Quebec adapted to Ottawa's wishes?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, the leader of the Bloc must know that we appealed because the scope of the decision goes far beyond simple negotiations on parental leave between governments. That is why the government appealed, because the scope goes much farther than the discussions between the two governments.

• (1425)

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, what the Prime Minister is saying is interesting because that is not what his Minister of Human Resources said yesterday. He said that if we reached an agreement, if Quebec went along with the federal government's arguments, then the appeal would be dropped. Yet, the scope of the matter would be no different. The Prime Minister and his minister are not saying the same thing.

Furthermore, we were told that only the figures were not ready, but the terms of the agreement were clear. Are they clear or not? Does the historic agreement in principle still stand, or has it disappeared? What has happened since June 28? Is the appeal just as broad? Is the agreement historic or is it missing a lot of figures?

Hon. Lucienne Robillard (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, whether the Bloc likes it or not, we will reach an agreement with the Government of Quebec. Our two colleagues are currently finalizing this agreement.

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, the Minister of Human Resources said that, should Quebec City and Ottawa come to an agreement before the Supreme Court hearings begin, Ottawa will withdraw its appeal. Otherwise, the agreement will be negotiated on the basis of the final judgment.

Why is the federal government now hanging a sword of Damocles over the head of the Government of Quebec, when, before the election, it was talking about a historic agreement?

Hon. Joseph Volpe (Minister of Human Resources and Skills Development, Lib.): Mr. Speaker, I also said that the legal issue is a separate issue. We are continuing with the negotiations. Just this morning, I met with my Quebec counterpart.

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, just before the election, an agreement on parental leave was signed with Quebec. We were told that all that remained to be done was to include the figures.

Why is the minister backtracking now that the election campaign is over, especially since he said he would resume negotiations on the basis of the upcoming judgment? Does he not realize that he is taking parents in Quebec hostage?

Hon. Joseph Volpe (Minister of Human Resources and Skills Development, Lib.): Mr. Speaker, perhaps the hon. member opposite did not hear the answer. I said that we were continuing with the negotiations, because we said we would continue. Moreover, I met this morning with the minister responsible in Quebec. Officials from my department are continuing to meet with officials from Quebec. There is no problem.

* * *

[English]

PRIVACY

Mr. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, my question is for the Prime Minister who refuses to act to protect Canadians in the face of George Bush's patriot act.

The facts are that the CIBC bank records of Canadians are in the hands of the Bush administration. The facts are that the B.C. privacy commissioner has indicated grave concerns and says that the patriot act knows no borders.

The Prime Minister has refused to lift a finger so much as to ask the United States to obey Canadian laws. How can the Prime Minister pretend to act when our bank records are in the hands of the—

The Speaker: The hon. President of the Treasury Board.

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, I can assure the hon. member that the government takes this extremely seriously.

I have met with the Privacy Commissioner of Canada who has looked at this situation. We have discussed specifically the CIBC's situation.

I am assured under the legislation passed by this House that we have the tools to address this particular concern.

* * *

NATIONAL DEFENCE

Mr. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the Prime Minister clearly has not even picked up the phone to call the President. Maybe he could raise it in his next conversation with the oval office.

[Translation]

Now, I want to speak about the so-called missile defence shield, a threatening armament system. It will start the arms race again, and that will be very costly.

Will the Prime Minister at last heed the concerns from all sides and ask the next U.S. president to give up this dangerous idea?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, it is not up to us to tell the Americans how to defend themselves. As I have said, and as the Minister of Foreign Affairs has said on numerous occasions in this House, we Canadians are looking at what needs to be done to protect Canada in the North American context, a context in which we have always had a very good relationship with our neighbour to the south. That is all. We are continuing our discussions. We shall see what the outcome will be.

Oral Questions

● (1430)

[English]

TRADE

Ms. Belinda Stronach (Newmarket—Aurora, CPC): Mr. Speaker, my question is for the Minister of International Trade.

Today is election day in the United States. Softwood producers have had \$3.4 billion of their money confiscated by the United States. Canadian cattlemen, ranchers and others in the beef industry have been losing \$11 million a day for the past 18 months because of the BSE border closure.

So far, the government has failed to produce any results. What will the government do differently tomorrow that it has not done before?

Hon. Jim Peterson (Minister of International Trade, Lib.): Mr. Speaker, we will continue to pursue our remedies before the WTO and NAFTA and we will continue to win.

Ms. Belinda Stronach (Newmarket—Aurora, CPC): Mr. Speaker, Canadian industries are suffering.

My question is for the Prime Minister. Were senior Liberal ministers and MPs, such as the Minister of the Environment, the Minister of Human Resources and the Parliamentary Secretary to the Minister of National Defence thinking of the Canadian lumbermen and farmers when they picked a preferred winner in the U.S. election? What happens to those Canadian interests if they picked wrong in their recklessness?

Hon. Jim Peterson (Minister of International Trade, Lib.): Mr. Speaker, I just had the privilege of meeting with the representative of the Canadian Cattlemen's Association who said that they want to thank our government for what it has done for Canada's cattle industry, that they appreciate the way we are standing behind them and the way we will continue to fight.

In terms of softwood lumber, we will stand behind our industries as we have in the past. We will continue to win those disputes. We fully expect those deposits to be refunded.

* * *

AIR TRANSPORTATION SECURITY

Hon. Rob Nicholson (Niagara Falls, CPC): Mr. Speaker, after 9/11 the government brought in legislation that would allow it to create a no-fly list for passengers that would strengthen security at Canada's airports.

Despite that, it has done nothing in this regard. It still has not produced a no-fly list that will protect Canadians. Why has the government not acted to ensure that this protection is in place at Canada's airports?

Hon. Jean Lapierre (Minister of Transport, Lib.): Mr. Speaker, we have been working on the list but we want to make sure that we respect the Canadian Charter of Rights and Freedoms because we want to uphold the Canadian charter, not like that party.

Hon. Rob Nicholson (Niagara Falls, CPC): Mr. Speaker, I am sure they checked on that when they brought in the legislation. We need that list now. The minister himself has asked, "What happens if bin Laden shows up at the counter?" That is a very good question.

When is the government going to get serious about security and provide that list now to help Canadians?

[Translation]

Hon. Jean Lapierre (Minister of Transport, Lib.): Mr. Speaker, I know that the members over there have no respect whatsoever for the Canadian Charter of Rights and Freedoms, but we on this side want to ensure that citizens' fundamental rights are respected. We have no intention of coming up with a list that does not respect those rights.

I do, however, have the power at this time to prevent anyone from flying. As soon as we receive notification, we can take action. We will not, however, rush into anything that does not respect fundamental rights.

* * *

SOCIAL PROGRAMS

Mr. Stéphane Bergeron (Verchères—Les Patriotes, BQ): Mr. Speaker, the Prime Minister has just told us that in the matter of parental leave, the appeal was necessary because the scope of the issue was much broader than the agreement with Quebec.

How, in that context, can we interpret the remarks by the Minister of Human Resources and Skills Development, who has just confirmed his earlier announcement that Ottawa would abandon its appeal if an agreement were reached with Quebec?

Hon. Joseph Volpe (Minister of Human Resources and Skills Development, Lib.): Mr. Speaker, obviously, the member opposite believes everything he reads in the papers. I have already said that there were two issues. The legal issue is one thing; negotiations with the province are another. I am still working on the second. Negotiations are continuing with the province to reach a satisfactory conclusion.

Mr. Stéphane Bergeron (Verchères—Les Patriotes, BQ): Mr. Speaker, the announcement just before the election implied that everything had been worked out between the two governments and that all that remained to be settled was the matter of money.

What happened so that, all of a sudden, negotiations between the governments are on again, when everything was supposed to have been worked out just before the election?

● (1435)

Hon. Joseph Volpe (Minister of Human Resources and Skills Development, Lib.): Mr. Speaker, perhaps the hon. member should talk to my provincial counterpart. In fact, he and I and our officials are continuing to negotiate, as we must, to arrive at a satisfactory solution. I met with him barely five hours ago. We are continuing to do what we must in order to arrive at a comprehensive solution.

AGRICULTURE

Ms. Denise Poirier-Rivard (Châteauguay—Saint-Constant, BQ): Mr. Speaker, because of mad cow disease, millions of dollars are being lost not only by beef producers, but also by dairy producers in Quebec, who have lost \$54 million in cull alone since the crisis began 18 months ago.

Does the Minister of Agriculture and Agri-Food realize that his aid package for dairy farmers in Canada and Quebec has totally missed the mark since it compensates for only a very small percentage of their loss?

[*English*]

Hon. Andy Mitchell (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, there are two component parts to this issue that are important.

First is the need to have increased slaughter capacity in the province of Quebec in a competitive environment, and that the announcement on September 10 is providing additional resources to do.

There is also the issue of cull cows from the dairy herds. That is an issue in Quebec. It is also an issue in other parts of Canada. I have indicated a willingness to try to arrive at a solution working with my provincial colleagues and with industry associations. We will find a solution that assists producers.

[*Translation*]

Ms. Denise Poirier-Rivard (Châteauguay—Saint-Constant, BQ): Mr. Speaker, before the crisis, a dairy producer got up to \$700 per cull, while the average price since the beginning of the crisis is \$150, which does not include the transportation cost or the slaughter fees that continue to increase. A new low was reached when a producer received a mere 7¢ for his cow.

What will it take for the minister to realize that his aid package is inadequate and that it is leading Quebec dairy producers straight into bankruptcy?

[*English*]

Hon. Andy Mitchell (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, like I said, in terms of increased slaughter capacity which is essential to resolve this issue, there is funding that is being made available.

In terms of the actual pricing of the cull cows, there are three component parts to that. First, there is what the market continues to provide. Second, the Canadian Dairy Commission when it establishes the price of milk takes into account any decrease in the inventory value of the animals. Then there is the issue of providing direct government support.

If we are to go that route, it is essential that that support go to producers.

[*Translation*]

Mrs. Diane Finley (Haldimand—Norfolk, CPC): Mr. Speaker, it is not just beef producers that are suffering from the Liberal insults to the Americans, but dairy producers as well. Will pork or poultry producers, or agri-food processors soon also have to pay the price for the Liberal caucus insults?

Oral Questions

In his infamous announcement on September 10, why did the minister ignore the dairy producers?

[*English*]

Hon. Andy Mitchell (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, anything but. The reality is that the September 10 announcement provides additional support for creating increased slaughter capacity. The reality is that through the various programs the federal government working with the provinces have provided for those involved in the beef industry, there has been a little over \$2 billion in support.

As I have said, there are issues in terms of the dairy industry and we are in fact working on those.

Mrs. Diane Finley (Haldimand—Norfolk, CPC): Mr. Speaker, the U.S. border has now been closed to the trade of live Canadian cattle for 531 days. The government's inaction and failure to open the border has forced the Canadian Cattlemen for Fair Trade to file a chapter 11 claim under NAFTA.

I ask the agriculture minister, when will his government take responsibility, stand with the cattle industry and file challenges at the WTO and under chapter 20 of NAFTA?

• (1440)

Hon. Andy Mitchell (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, unlike the hon. member across the way, I am interested in getting the border open, not in creating a legal process that may go on for years and years and years. Our intention is to have the border opened.

The reality is that we have not ignored cattle producers. In fact, \$2.1 billion between the provincial and federal governments is flowing to beef producers. Also, on September 10 we made an announcement that will work toward ensuring that the industry can be profitable with or without a border opening.

* * *

SOFTWOOD LUMBER

Mr. John Duncan (Vancouver Island North, CPC): Mr. Speaker, the government continues to bungle Canada-U.S. relations. This puts Canadians and our \$3 billion softwood cash deposits at risk.

There are reports from industry that the minister wants to initiate softwood discussions with his U.S. counterparts starting tomorrow. The industry is still waiting for the minister to call a stakeholders meeting to develop a Canadian consensus prior to entering into any negotiations.

Why is the minister so anxious to move tomorrow when he has done nothing for months?

Hon. Jim Peterson (Minister of International Trade, Lib.): Mr. Speaker, that is absolute nonsense. I have been in constant touch with the industry and meeting with stakeholders right across this country. For his information, a meeting is being held next week.

Oral Questions

Having said that, we will continue our two-track policies in terms of the softwood lumber dispute. We will continue to litigate before the WTO and the NAFTA. We will stand ready to negotiate, but only an agreement which is in the best interests of all Canadian stakeholders.

[Translation]

Ms. Rona Ambrose (Edmonton—Spruce Grove, CPC): Mr. Speaker, Canadian lumber producers are trying to survive in an increasingly hostile environment caused by rising fuel costs and a stronger Canadian dollar. In the meantime, the Liberals continue to insult our best clients and our producers are paying the price for this bad behaviour.

Is the government waiting for the result of the U.S. election to finally defend the interests of Canadian exporters?

[English]

Hon. Jim Peterson (Minister of International Trade, Lib.): Mr. Speaker, absolutely not. We have not been waiting for the outcome of the election. We have stood ready at any moment to stand behind our softwood lumber industry. As a matter of fact, that is why we brought in an aid package of \$356 million. This is why we continue to work with the industry organizations as we pursue our legal outcomes in the WTO and the NAFTA. This is why we will continue to work with the industry groups and the workers affected, in order to effect a just outcome.

* * *

UKRAINE

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.): Mr. Speaker, my question is for the Minister of Foreign Affairs.

This past Sunday, the first round of the presidential election in Ukraine took place. Canadian observers alone have documented over 500 cases of state intimidation, disruption of opposition campaigns, the use of state resources for one candidate, and the prevention of civil society observation. Also, quite threatening for Ukraine sovereignty was the direct interference in the campaign by Russian President Putin.

The OSCE and the Council of Europe stated that “With a heavy heart, we have to conclude that this election did not meet...standards for democratic elections. Consequently, this election process—”

The Speaker: The hon. Minister of Foreign Affairs may want to comment.

Hon. Pierre Pettigrew (Minister of Foreign Affairs, Lib.): Mr. Speaker, we are of course quite encouraged that the voting was carried out in a peaceful manner.

That being said, the Ukrainian authorities should ensure that the serious problems encountered in the first round of vote counting should be resolved by the time the second round is being held.

We also call on all parties to continue to campaign peacefully and to reject any calls for violence. The campaigning and the voting in the second round must be free of intimidation or harassment.

AUTOMOBILE INDUSTRY

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, on October 21, 2002, I asked the then Minister of Industry when the government was going to act on an auto policy for Canadians. I was told at that time to wait for the Canadian Auto Partnership Council's report.

I asked the same question and got the same answer on November 25 and December 12, 2002, October 23, 2003, April 19 and May 13, 2004, basically blaming CAPC for the wait.

The government has used this as a political shield for the auto industry and the issues we need to deal with right now. The shield is gone. When will the government act? We are waiting for an answer.

•(1445)

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, I am meeting with the CAPC committee tomorrow. We will be discussing their report, discussing their recommendations.

Over the next couple of weeks we will be putting together the final touches on an automotive industry strategy for all of Canada.

* * *

CITIZENSHIP AND IMMIGRATION

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, the government has failed to implement the merit-based refugee appeal division provided for in the Immigration and Refugee Protection Act.

In response to sanctuary situations, the Minister of Citizenship and Immigration has suggested that churches accept a mechanism for a ministerial review for only around 12 failed refugee cases a year.

Why is the minister presuming to limit the carefully considered justice actions of churches while at the same time showing contempt of Parliament by refusing to implement the refugee appeal division proposed by the government and passed by this House?

Hon. Judy Sgro (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, let me just read part of a letter from the Anglican Church of Canada.

Archbishop Hutchison, who attended that meeting, said:

We were very appreciative of your offer of an interim solution to address the issue of failed convention refugee claimants who are currently residing in churches in Canada. It is our belief that this offer was extended in good faith and it was received that way.

It was gratifying to know that you see us as important partners in addressing refugee issues, and we look forward to continuing our dialogue together in the future as you move forward on refugee reform.

* * *

JUSTICE

Mr. Vic Toews (Provencher, CPC): Mr. Speaker, this Liberal administration is famous for its ability to aggravate our billion dollar a day trade relationship with the United States. The proposal to decriminalize marijuana continues with this Liberal tradition.

Has the justice minister received guarantees from his American counterparts that Canada will not experience adverse trade ramifications as a result of his marijuana proposals?

Oral Questions

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I have spoken with my counterpart, the Attorney General in the United States. He fully understands that this is not a case of the legalization of marijuana. It is, and will remain, illegal under the new legislation.

Mr. Vic Toews (Provencher, CPC): Mr. Speaker, he still has not answered the question.

What guarantees have the Americans made that it will not aggravate the trade relationship, which the government continues to aggravate?

The underground marijuana trade between Canada and the U.S. is already \$4 billion a year. What assurances and what guarantees can the minister make that decriminalization will not result in a worsening of our trade? How will he guarantee Canadian jobs?

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I answered the question. He obviously did not like it, but the Attorney General had no problem with it.

* * *

TERRORISM

Mr. Stockwell Day (Okanagan—Coquihalla, CPC): Mr. Speaker, when it comes to banning terrorist organizations it is simply a matter of historical fact that this government is notoriously slow. Many times, long after our allies have banned specific organizations, our government appears dazed, confused, dragging its feet, and sending a signal that it is reluctant to move swiftly on terrorist organizations.

Why is the government maintaining this go-slow policy when it comes to naming terrorist organizations? Are they afraid of the terrorists, or are they simply delinquent when it comes to national and international security?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, as I think the hon. member knows, there is a process in place, and that process is followed. We assess the risk on a daily basis in relation to groups who might in fact be carrying on activities in this country that might cause either Canadians or others harm.

However, I want to respond to the specific question the hon. member asked yesterday in relation to a group, the JTJ. I want to reassure the member that on October 18 of this year Canada listed the JTJ, and the appropriate freezing orders to all financial institutions were made.

Mr. Stockwell Day (Okanagan—Coquihalla, CPC): Mr. Speaker, we have been asking for some time for that to happen. In a rare moment, I want to say thank you for finally following through.

It still brings us down to this point: that these things happened long after the United States and our allies named this group. This group was a threat to the United States, a threat to Great Britain, a threat to Israel, and long after we continued to have this policy of going slow.

We want to know if there will be a change to that. Who is it that these people are afraid of offending, our allies or the terrorists?

• (1450)

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, let me again reassure the hon. member in relation to the JTJ. The JTJ was first listed by the United Nations Security Council as being associated with Osama bin Laden. Such measures by the UN are automatically incorporated into Canadian law by virtue of Canada being a member state of the United Nations.

That is exactly what happened in this case. In fact, we acted expeditiously in this case, and we act expeditiously in relation to any threat or risk to the safety of this country.

* * *

[Translation]

TAXATION

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, the federal government is demanding that provincial governments repay any overpayment in respect of fiscal equalization, based on the periodic adjustment of the parameters in the formula. Last year, Quebec was billed for an amount of \$1.2 billion by the federal government. In October 2004, Saskatchewan was billed for \$590 million in equalization adjustments.

Could the Minister of Finance tell us whether, like Quebec, Saskatchewan will be allowed to repay this overpayment over a certain period and, if so, over how many years?

[English]

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, the government announced during the course of the summer that we were putting two floors under the equalization program for this year: floor number one to ensure that the amount of money available would be at least \$10 billion, and floor number two to ensure that provinces could rely upon the forecasts that were given to them in the month of February. Both of those floors are effective. They benefit both the province of Quebec and the province of Saskatchewan, as well as all of the other equalization receiving provinces.

[Translation]

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, the minister did not answer my question.

I asked him if Saskatchewan would have to repay the \$590 million and whether an installment payment was agreed upon, like it was with Quebec, which will have five years to repay. Over the weekend, *La Presse* carried an article by Robert Dutrisac saying that, according to a reliable source, Saskatchewan, unlike Quebec, would not be required to repay the \$590 million equalization overpayment.

Will he confirm or deny this piece of information?

[English]

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, all provinces under the two floors are being treated in exactly the same way for fiscal year 2004-05. That was thoroughly discussed at the meeting on equalization not long ago.

Oral Questions

I point out that as late as today I was in conversation with the Government of Quebec in terms of the arrangements it would like in terms of smoothing out the impact of equalization on that province. I believe we have arrived at a solution that is entirely satisfactory to the Government of Quebec.

* * *

AUTOMOBILE INDUSTRY

Mr. Colin Carrie (Oshawa, CPC): Mr. Speaker, the government's plan to adopt the Kyoto protocol will spell disaster for Canada's automotive industry. Even the government's own forecasting shows that adopting Kyoto could result in the loss of 80,000 automotive jobs, mostly in Ontario.

Why does the government insist upon unrealistic goals and policies that will decimate the automotive industry in Canada?

Hon. Bryon Wilfert (Parliamentary Secretary to the Minister of the Environment, Lib.): Mr. Speaker, sometimes in politics it is better to be a good listener than a talker. Unfortunately, the member has not been listening to what the government has been saying about working collaboratively with various stakeholders, including the auto industry.

In fact this morning I met with members of the auto industry. I can assure members that what the minister has said about sustainability and about competitiveness and the environment is good for everyone. We are going to move ahead in that direction. I would ask the member to work with us.

Mr. Colin Carrie (Oshawa, CPC): Mr. Speaker, the truth is that the government seems to be doing a lot of talking, but it is clear it is not listening to the auto industry. The Liberal government has stampeded away our cattle industry, and now it threatens to drive away our auto industry.

The time for talk is over. Why has the Liberal government put 80,000 automotive jobs at risk?

• (1455)

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, I have never heard so much hogwash in all my life.

The government is developing a strategy for the Canadian automotive sector that will be the most dynamic strategy we have had in Canada for 50 years. The 80,000 workers in the automotive industry will still be there in 10 years. The number will actually grow.

* * *

FISHERIES AND OCEANS

Hon. Lawrence MacAulay (Cardigan, Lib.): Mr. Speaker, my question is for the Minister of Fisheries and Oceans.

The herring fishery off the northern coast of Prince Edward Island is being destroyed. Herring is considered by fishermen to be the queen of the sea, it is so vital to all the other stocks in the sea. DFO is allowing mid-shore seiner vessels to fish too close to Prince Edward Island.

Will the Minister of Fisheries and Oceans address this serious problem, move the seiners, and save the valuable herring stock for the fishermen?

Hon. Geoff Regan (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, the science shows that these herring stocks are in fact healthy. On the basis of science, this year the total allowable catch was increased by 10,000 tonnes.

As part of the management plan I announced earlier this year, the line for the commercial fishery was moved out to 20 fathoms, out of an excess of caution. Scientists will study the effects of the seiners on the ecosystem in the shallower waters to get the information needed to resolve this matter once and for all.

* * *

CITIZENSHIP AND IMMIGRATION

Mr. Randy White (Abbotsford, CPC): Mr. Speaker, Canada is hearing refugee claims from countries considered safe by UN convention, such as Germany, Switzerland, and the United States. I would like to ask the immigration minister why legitimate refugee hearings were put on hold to hear hundreds of refugee claims by U.S. citizens last year.

Hon. Judy Sgro (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I think the hon. member is well aware of the fact that we continue to have a very fair and generous system. It is quite effective, and there are lots of avenues of recourse for anyone who disapproves of the decisions that a refugee board makes.

Mr. Randy White (Abbotsford, CPC): Mr. Speaker, how is this for fair and generous? Some recent American refugee claimants include drug traffickers, people fleeing from multiple crimes, army deserters, and even a wanted Hell's Angel. While waiting for a hearing these so-called refugees stay in Canada and receive medical benefits and financial assistance, handing Canadians a bill for millions of dollars.

Why does the Liberal government knowingly shelter American criminals, instead of deporting them and freeing up our resources for real refugees in this country?

Hon. Judy Sgro (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, let me just assure the hon. member that the door is open on the other side, and it is the same thing. If any of our people go across the border and claim the same thing, they can also do that and claim refugee status. We have a fair system; we have a just system. Under the UN convention, if someone claims asylum or refugee status in a country, they are entitled to due process.

* * *

[*Translation*]

ABORIGINALS

Mr. Bernard Cleary (Louis-Saint-Laurent, BQ): Mr. Speaker, the peace of the braves between the Cree and Quebec put an end to judicial proceedings against Quebec. Proceedings against Ottawa, however, are ongoing because, five months from the deadline, none of the issues have been resolved.

Could the Minister of Indian Affairs confirm that, come April 2005, this very important matter for Quebec and the Cree will not turn into another James Bay battle between Canada and—

The Speaker: The hon. Minister of Indian Affairs and Northern Development.

[*English*]

Hon. Andy Scott (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, the James Bay Cree negotiations are extremely important to the Government of Canada and, I must say, are moving along nicely. We expect good news soon.

* * *

CANADIAN HERITAGE

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windor, Lib.): Mr. Speaker, my question is for the hon. Minister of Canadian Heritage.

On October 30 the minister co-hosted a meeting in Halifax with the provincial and territorial ministers responsible for culture and heritage.

Having supported the renewal of the program “Tomorrow Starts Today” at the current level, would the minister tell us more about that meeting?

• (1500)

Hon. Liza Frulla (Minister of Canadian Heritage and Minister responsible for Status of Women, Lib.): Mr. Speaker, I am proud to say that the provinces presented a unanimous resolution proposed by Saskatchewan and seconded by Alberta which states:

—the Federal, Provincial and Territorial Ministers responsible for Culture and Heritage pledge their renewed collaborative efforts toward the elaboration of the Convention, [under UNESCO] which would reiterate the right of governments to adopt cultural policies.

Furthermore, the provinces and territories pledged for the renewal of both the “Tomorrow Starts Today” initiative and the historic places initiative.

* * *

[*Translation*]

INTERNATIONAL COOPERATION

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, last Tuesday, the Commissioner of the Environment and Sustainable Development tabled a report which informs us that CIDA does not have the means to gauge the overall results of its international aid projects. It also says that CIDA has no performance expectations for its water-related programs, and its staff are uneasy about the excessive number of untargeted priorities.

What does the Minister of International Cooperation plan to do to get CIDA to review its approach, determine where it stands, and where it is going, with respect to the environment as the commissioner wants it to?

[*English*]

Hon. Aileen Carroll (Minister of International Cooperation, Lib.): Mr. Speaker, after the commissioner submitted her report I had the opportunity, having sought it out, to sit and speak with her

Points of Order

about the results of that report. Although there were some criticisms to be made, on the whole her comments were quite complimentary.

The eight projects that she looked at were about five years ago, and while she did indeed make recommendations with regard to CIDA's ability to measure, I can assure the hon. member that we are very engaged in improving our track record in that—

The Speaker: The hon. member for Elmwood—Transcona.

* * *

HEALTH

Hon. Bill Blaikie (Elmwood—Transcona, NDP): Mr. Speaker, my question is for the Minister of Health.

The Minister of Health will know that there is a consensus among all the opposition parties with regard to compensating all the victims of hep C.

Would the minister tell us what the position is of the government now? Will the government save the House a whole lot of time and just agree now to do the right thing and compensate all the victims of hep C?

Hon. Ujjal Dosanjh (Minister of Health, Lib.): Mr. Speaker, there is a take note debate tonight on that issue.

I have spoken to that issue many times. Our position is very clear. We are looking at the potential surplus in the fund established early on for the 1986 to 1990 class.

We will be speaking to the plaintiffs' lawyers. We will be taking this matter to cabinet. We are in agreement that we should be doing everything possible to compensate those victims.

POINTS OF ORDER

[*English*]

ORAL QUESTION PERIOD

Mr. Monte Solberg (Medicine Hat, CPC): Mr. Speaker, during question period, I distinctly heard the Minister of Human Resources and Skills Development call the member for Central Nova a liar and I would like him to withdraw.

Hon. Joseph Volpe (Minister of Human Resources and Skills Development, Lib.): Mr. Speaker, I want to show a little more class than the member for Central Nova, so what I will do, if that word was offensive to him, I will withdraw it, but I am absolutely tired of the innuendo, the allegations, the slander and the slurs that come from his lips.

The Speaker: Well, I take it the word has been withdrawn and we are thankful for that.

*Government Orders***GOVERNMENT ORDERS**

● (1505)

*[English]***CONTRAVENTIONS ACT**

The House resumed consideration of the motion.

Hon. Sarmite Bulte (Parliamentary Secretary to the Minister of Canadian Heritage, Lib.): Mr. Speaker, I am pleased to rise today to speak to Bill C-17, an act to amend the Contraventions Act and the Controlled Drugs and Substances Act. During the time I have been allotted I will take the opportunity to look at how other legislatures in other jurisdictions around the world deal with the possession of cannabis.

Countries around the world treat cannabis possession in different ways. Some countries tolerate forms of possession and consumption, other countries apply administrative sanctions or fines, while others apply penal sanctions. I was quite interested to learn this morning that certain states in the United States, notably Alaska, also treat cannabis possession in different ways, although it does vary from state to state.

However, despite the different legal approaches toward cannabis, a common trend can be seen, particularly in Europe, in the development of alternative measures to criminal prosecution for cases of use and possession of small quantities of cannabis for personal use. Fines, cautions, probation, exemption from punishment and counselling are favoured by many European justice systems.

[Translation]

In Spain, Italy, Portugal, Belgium and Luxembourg, the possession of small amounts of marijuana is not a criminal offence. In the Netherlands, Germany, Switzerland and Denmark, it is still a criminal offence, but one that is never prosecuted.

In France, a directive recommends that judges and government departments use criminal proceedings only as a last resort when people have committed no offence other than the use of illegal drugs.

[English]

Britain recently reclassified marijuana from a class B to a class C drug. Possession will therefore be on a parallel with anabolic steroids and growth hormones, which, I should add, are still illegal but not an arrestable offence. However this is coupled with a reserve power of arrest for police officers where it is perceived that the possession of cannabis is a danger to public order or for the protection of children.

Most U.S. states envisage the possibility of imprisonment for the offence of possession of cannabis. However a dozen U.S. states have passed measures decriminalizing possession of small amounts of marijuana. These include California, Alaska, Minnesota, New York, North Carolina, Ohio, Maine, Nevada, Nebraska, Colorado, Oregon and Mississippi.

Typically in these cases decriminalization means no prison time or criminal record for first time possession of a small amount, approximately 30 grams to 60 grams, for personal consumption. State and local enforcement authorities treat the offence as a minor traffic violation.

Some Australian states and territories have also adopted cannabis decriminalization measures. Some of these measures are similar to what is being contemplated in Bill C-17. I would like to take a few moments to describe the situation in South Australia, the first Australian jurisdiction to adopt cannabis decriminalization measures.

Reform of the cannabis laws in South Australia came with the introduction of the controlled substances amendment act, 1986. The amendment proposed a number of changes to the controlled substances act, 1984, including the insertion of provisions dealing with the expiation of simple cannabis offences. This represented the adoption of a new scheme for the expiation of simple cannabis offences, such as possessing or cultivating small amounts of cannabis for personal use or possessing implements for using cannabis.

The cannabis expiation notice, known as the CEN scheme, came into effect in South Australia in 1987. Under this scheme, adults committing simple cannabis offences could be issued with an expiation notice. Offenders were able to avoid prosecution by paying the specified fee or fees which ranged anywhere from 50 to 150 Australian dollars within 60 days of the issue of the notice. Failure to pay the specified fees within 60 days could lead to prosecution in court and the possibility of a conviction being recorded.

Underlying the scheme was the rationale that a clear distinction should be made between private users of cannabis and those who are involved in dealing, producing or trafficking cannabis. This distinction was emphasized at the introduction of the CEN scheme by the simultaneous introduction of more severe penalties for offences relating inter alia to the production of all drugs of dependence and prohibited substances, including offences relating to larger quantities of cannabis.

The expiation system for minor cannabis offences in South Australia has been the subject of a number of evaluation studies. The impact of the implementation of such a system is therefore best seen there. As I mentioned, the South Australian cannabis expiation notice system began in 1987. One of the main arguments for an expiation system was the reduction of the negative social impact upon convicted minor cannabis offenders. Implicit in this argument was the belief that the potential harms of using cannabis were far outweighed by the harms arising from criminal conviction.

This is a belief also that resides in many Canadians.

● (1510)

[Translation]

The effect of introducing the CEN scheme on levels and trends of cannabis use in Southern Australia has been assessed by a number of surveys on drug use. None of these found an increase in cannabis use there that could be linked to its introduction.

Government Orders

The level of cannabis use over respondents' lifetimes did in fact increase considerably in Southern Australia, from 26% in 1985 to 36% in 1995, but comparable rises were also noted over the same period in states such as Victoria and Tasmania, which took a prohibitionist approach to cannabis.

[*English*]

The number of offences for which cannabis expiation notices were issued in south Australia increased from around 6,000 in 1987-88 to approximately 17,000 in 1993-94 and in subsequent years. This appears to reflect the greater ease with which police can process minor cannabis offences and a shift away from the use of police discretion in giving offenders informal cautions to a process of formally recording all minor offences.

There has been strong support by law enforcement and criminal justice personnel in south Australia for this CEN scheme. The scheme has proven to be relatively cost effective and more cost effective than prohibition would have been. The total costs associated with the CEN scheme in 1995-96, were estimated to be around \$1.24 million Australian, while total revenue from fees and fines was estimated to be around \$1.68 million Australian. Had a prohibition approach been in place, it is estimated the total cost would have been in excess of \$2.01 million Australian, with revenues from fines of around \$1 million which is much less than under the CEN scheme.

A report on the CEN scheme noted that it appeared to have numerous benefits for the community, not the least of which was cost saving for the community as a whole, reduced negative social impacts for offenders, greater efficiency and ease in dealing with minor cannabis offences and less negative views of police held by offenders.

The changes made in the cannabis laws in Australia are not technically decriminalization measures as cannabis possession remains a criminal offence in all Australian jurisdictions. What has been changed is a reduction in the penalty for processing small amounts of cannabis for personal use to something less than imprisonment which is what is being proposed in this bill.

I am happy to have the opportunity to say a few words. I would like to conclude my brief remarks by indicating again my support for the proposed legislation and that the bill be referred to the committee prior to second reading.

● (1515)

Mr. Brian Fitzpatrick (Prince Albert, CPC): Mr. Speaker, I oppose the decriminalization of marijuana, and I will approach this matter from a different angle.

I will start from the angle of the problem we have with impaired driving, which is huge. On average four Canadians are killed every day in automobile accidents caused by impairment. When I saw our disabled Olympians the other day, I wondered how many of them were disabled as a result of an automobile accident caused by an impaired driver.

The figures are immense. It is a serious tragedy and a major evil. Liberal governments do not want to deal with the problem. They would rather tinker with the law rather than take serious steps to deal with the evil on our highways.

Last spring the member for Vegreville—Wainwright introduced a private member's bill in the House that would have closed some loopholes that allowed people to escape accountability and liability for their actions with regard to impaired driving. Liberals voted against that bill. I think their major reason for opposing that bill, in all honesty, was because it would have offended some defence lawyers, who make a good living at getting people in court off on minor technicalities. I do not have a lot of enthusiasm for that crowd, but people on the other side of the House do. I guess they have to ensure that their business is taken care of as well. Their game is making laws that leave loopholes and technicalities for people to escape liability.

This brings me to the issue of marijuana and impaired driving and the issues that flow from that. We are far from dealing with the problems of impaired driving caused by alcohol. Yet the government wants to open up another area by decriminalizing marijuana. It seems to me it is trying to create more mayhem and tragedies on our highways by proceeding in that way.

The research on this issue is frightening. The level of impairment of somebody who has had a small amount of marijuana is more severe than the level of impairment of somebody who has had a small amount of alcohol. Many studies have been done on that. Studies have indicated that when people have one joint, wait 10 minutes and have another joint and then take a normal sobriety test like touching their nose with their finger, or standing on one leg for 30 seconds or walking a straight line, they cannot do it. They have lost their coordination and their reflex time as a result of smoking a small amount of marijuana. If a bit of beer, or whiskey, or rum or something is added into that equation, it is disastrous.

We have an opportunity to emphasize prevention. It is too late when people are put in body bags and dragged off to the mortuary. It is too late when people are charged. The best thing we could do, as policy-makers, would be to prevent these tragedies at the beginning. The government's initiative seems to be going totally against getting impaired drivers off our highways, saving lives and preventing unnecessary injury and harm to people.

Let me examine a couple of other areas pertaining to the matter of impairment. We have devices that measure alcohol levels accurately. It is well established in the court system as to what these levels are and how these matters are processed. This is not the case with marijuana. We have no efficient device that can measure the level of impairment from marijuana.

● (1520)

Most cases dealing with impairment caused by marijuana, which are contested in the court system, are a defence lawyer's holiday. It is far easier to get an acquittal in that situation than it is for alcohol.

Government Orders

What we do by decriminalizing marijuana is invite a whole round of new legislation and more laws. That is the Liberal way. Liberals believe that passing laws is like waving a magic wand and something will happen at the other end. In real life it takes a lot more than commands and orders from the government through the form of legislation. It will take a lot of new technology to deal with that level of impairment.

The government in a way is telling young people and other people that it is okay, that it is not serious. It may not even be as bad as drinking alcohol, so maybe the drug of choice for people should be marijuana. The fine will not be very severe, so perhaps people can switch over to it. Is that what the government is inviting our society to do with this kind of law? What kind of message is this to parents and young people on the problem of impaired driving?

The cases dealing with impaired driving from marijuana are a disaster for the police and for the prosecution. They are a difficult problem for the courts. There is no simple answer. If we look at these cases, we are not getting convictions and we are tying up the court system. This is a very poor signal in this area.

I would invite anybody in the House to meet with families who have lost young people through automobile accidents caused by impaired drivers. I challenge any one of the members on that side of the House to tell those people that decriminalizing marijuana is a good idea.

I want to raise a side issue on this. As Canadians, we quite often say that Americans do not understand our concerns and interests. Sometimes I think Canadians are not so good at understanding American concerns and interests. I find it amazing in this day and age, with some of the rhetoric that comes from the other side of the House, that some Canadians do not really understand what happened on September 11, 2001.

Everyday we have a big trade surplus with the United States. Of our exports, 87% go to the United States. Exports help pay for our health care. They help pay for our social programs. They provide an awful lot of jobs in the country. Having that border secure and open is very important to our well-being.

The United States of America is concerned about our drug policies, our grow ops and our huge export of drugs through the border system into their country, and we do not seem to understand that. We are oblivious to that fact. We are sending the wrong signal, just as people call the President of the United States a moron, or a bastard or some other unflattering name. We do not understand what impact our policies are having on how Americans perceive us and our well-being as a nation.

Quite honestly, in a lot of areas we have a lot to be shameful for, especially on that side of the House.

• (1525)

Hon. Jim Karygiannis (Parliamentary Secretary to the Minister of Transport, Lib.): Mr. Speaker, I want to add my personal thoughts on this very important issue. We have to look at the proposed legislation as well as what we are individually facing in our ridings. Although the existing legislation states that it is a criminal offence to have any marijuana and to grow any plants, it provides for a maximum of seven years for as many plants as one

might grow. So if people grow 3, 10, 20, 50, or 100 plants, they would get a maximum of seven years.

In my riding I have been in contact with the local police superintendent, the local councillors, and the local provincial MPP. We do have a problem. I would like to describe my riding to the rest of my colleagues.

My riding is in a suburban area. It has homes that are three bedroom bungalows as well as homes that are about 2,700 to 3,000 square feet which make it an easy target for people who want to grow marijuana. Many people have bought homes and are doing just that. They have grow house operations. They are referred to as grow houses and some people also refer to them as grow ops.

This year alone there were over 40 houses that were busted by the police in the riding of Scarborough—Agincourt. In a conversation with the local superintendent of station 42, he conveyed to me that he feared that we have grow houses on every street in our area. Police will be constrained if they want to fight organized crime.

All of our efforts will have to be made in order to bust grow houses. There are many nights that I would drive home through the riding and would find police officers coming out from having busted a home. There are many times that I would drive by homes that were suspected grow houses and we were working with the police in order to put them out. Just last week there were three grow houses that were busted in my riding within 24 hours. These numbers present a concern. My local councillor conveyed to me that he felt that it was an epidemic.

I have spoken to many colleagues in the House and have been told that they too are in similar situations. For example, just to the north in the riding of Markham the police were busting a methamphetamine lab. They went to advise the neighbours that they could be in danger of having their homes explode and catch fire. What did they find? They knocked on the house next door and it was a marijuana grow operation.

For a long time we have been in need of legislation as well as best practices to ensure that we, the custodians of our neighbours, can and will close these grow houses. In my riding the three levels of government are working together and are taking the necessary first steps to bring about quick solutions.

For example, the city councillor just last week put two signs outside homes to advise the neighbourhood that the homes were grow operations and to let people know that should they buy that house that it was a grow operation. We are requesting from the Toronto Real Estate Board as well as other real estate boards in the province of Ontario that a disclosure be put into the offer when someone buys a house.

Many years ago, when we were buying homes that might have had formaldehyde insulation, there was a full disclosure. One of the things we want to do is ensure that people know that a house that they are buying was a grow operation. Real estate agents must ensure that this is disclosed by the seller. The provincial member is looking into that aspect to have provincial legislation to address this concern.

Government Orders

• (1530)

The Province of Ontario is also passing legislation to allow the public utility to check the amount of hydro that is used by the house. If there is extreme usage, then the public utility can temporarily shut off the hydro in order to determine whether or not it is a grow house.

Then we look at this place and what we can do right here. The bill that we are debating today states that the bill will restructure the offences. One to three cannabis plants will result in a summary conviction offence punishable by a fine of \$500 for adults and \$250 for youth. This offence will be prosecuted exclusively by way of a contravention ticket. Four to 25 cannabis plants will be punishable by a summary conviction of up to 18 months imprisonment and up to a \$25,000 fine or punishable on an indictment of up to five years less a day imprisonment. For 26 to 50 cannabis plants, the result will be punishable by an indictment of up to 10 years. More than 50 cannabis plants will be punishable by an indictment of up to 14 years.

It is appropriate that the penalty for cultivating up to three plants be reduced. The person who is growing only up to three plants is not likely to be involved in trafficking or organized crime. However, we deplore the use of marijuana when persons get to the use of 50 cannabis plants and more. We have homes in my riding that are 2,700 and 3,000 square feet and they have more than 200 plants in those homes.

Many of my constituents have expressed concerns over the bill. This bill does not legalize the use of marijuana. The bill addresses the needs of my area with regard to grow houses.

I will be working with colleagues from all sides of the House to ensure that we shut down grow house operations and put them permanently out of business for our future generations. It addresses the needs of my area and more work needs to be done.

• (1535)

Mr. Myron Thompson (Wild Rose, CPC): Mr. Speaker, we all knew the day would come when the bill would be reintroduced in the House, the bill which was introduced in the previous Parliament. I believe it was Bill C-10 at that time. We hoped that if it was reintroduced, it would have the changes that are so necessary to make it a worthy bill.

Obviously, after looking at this particular legislation, it has not been done. The government members did not listen to the suggestions that came from victims groups, police agencies, and other representations made to the committee last session. We are ending up with the same thing we had in the past.

This party is really not interested in seeing people getting criminal records. We are not interested in destroying kids' lives because of mistakes they make. At the same time, I am personally not interested in providing an opportunity that could lead down the slippery slope and cause a great deal of grief for a great number of people.

I base these comments on the experiences I had as a school principal for 15 years. The children in the particular junior high school were no different from any of the children I have worked with or seen across the country in all kinds of schools. They were good, ordinary kids, capable of making mistakes, and at the same time

getting trapped into a very dangerous substance that could cause them a great deal of grief.

Over that period of 15 years I want to assure hon. members that we had to deal with a number of children at the teenage level who experimented with marijuana, who had to try it, and who got involved with it to a greater degree than they anticipated. It is sad to say that in a school with a very small population the results of the children engaging in this particular substance ended about 80% of the time in tragic ways.

This is a dangerous drug. We cannot take it lightly. We have heard the comments that it is no different from a can of beer and that it is just one of those things we do and then we forget it. That is not the case with a lot of young people. I am talking about people who ended up taking their lives through suicide.

It started with marijuana and the kicks it provided. I am talking about leading into better feeling drugs, whatever they might be. I have no idea what these things do to an individual, but I do know that it alters their mind and it alters their way of thinking. Any drug that does that, alcohol being a prime example, cannot be all that great if we overdo it.

In many cases people who have entered into this activity have ended up overdoing it and getting into situations that caused them, their families and their parents a great deal of grief. This is the plea we hear from victims all across the country and all across the school sector.

During the 15 years I was there, parents would say that we would have to do something to keep marijuana and other types of drugs out of our schools, that it was dangerous and could lead to bad things like automobile wrecks, and activities that we would never think of doing under normal conditions.

Over the last few years we have seen what overindulgence in drinking can cause. It causes a great deal of grief for a great number of people. If we are going to do it, it has to be done properly, but I am not sure how that particular thing is done. How do we properly do things that alter the mind and that cause us to do things that we would not ordinarily do?

The bill is not intended to make big criminals out of kids who make mistakes and I agree with that. However, at the same time, let us not go soft enough in the direction that it might lead kids to think that even the Government of Canada supports a certain amount of use of this type of drug.

• (1540)

That to me is the fearful step that can lead down a slippery slope ending up with the results that I have seen personally with friends of mine whose children either died at their own hands, in a tragic accident or just by doing a stupid thing. It is dangerous. We have to recognize that.

I see all kinds of flaws in the bill. For example, having 30 grams is considered safe and will not result in a criminal record.

Government Orders

I have checked with some people who have experimented with this particular drug. I certainly have not; I am no expert on it because I have never used it. I am no expert on it because I never went to the extent of finding out exactly what impact it does have. I have only seen the results from dealing with those who have been on it.

I have been told, and I believe it is true, that 30 grams would make a terrific high for a great number of young people, that up to 12 or 15 kids could enjoy 30 grams of marijuana. What are we saying here? Obviously if it can supply 12 to 15 young people with a sufficient amount of stuff to last for quite a while and cause a great reaction or whatever it is that it does, then if one individual has that much, how much damage will it do to that one person if that is for his or her own personal use?

That is what is being said in this bill, that up to 30 grams is okay. If that amount makes 50 to 60 cigarettes, joints, or whatever they are called, that sounds like an awful lot. I do not believe for a moment that we can take that lightly, yet this bill is willing to do that. We have to change that. That just cannot be the case. Thirty grams can be rolled into a lot of joints.

I have also been told that a 30 gram bag of marijuana has a street value of approximately \$300. We have a fit today if a kid is carrying around a \$10 pack of cigarettes. If a person under the age of 18 is carrying cigarettes that he or she spent 10 bucks for, that is against the law, and of course we are going to fine him or her. We want to do the same thing here except here we are going to say that up to 30 grams of marijuana is okay. Well I am afraid that is way overboard. That is carrying things way too far.

Imagine the amount of profit that the person could make if he or she had a 30 gram bag of that to sell every day. If the person was caught, he or she would pay a \$100 fine, no big deal. Maybe the next five days he or she would not get caught and would sell a bag for 300 bucks each day. That would be a pretty good profit.

What are we doing when we come up with this soft way of looking at these serious issues if not giving out the message that maybe some things are worth taking the chance? From my experience, going into marijuana at any degree would not be worth the chance.

The end result in too many cases has been too severe to allow legislation to fluff it up enough that it encourages some people to say, "Wow, I could do a little of this. I can take a chance. If I get caught, sure I will get a small fine, but nothing too serious will come out of it," or "I could get up to 30 grams to throw a big wing-ding of a party and be the supplier". It seems to me if someone is supplying 30 grams to some other people just to have a wing-ding of a party, then the person is breaking the law in that sense.

I do not know where we are going with this. I remember there used to be a time when, if a minor was in possession of booze, the first thing they wanted to know was where he or she got it. If an adult had provided booze to that minor, that adult would be in a lot of trouble. People went to jail in those times. Now it is not even mentioned. It is not even talked about. It is not a big deal.

We are relaxing things too much in too many areas of this type and it is not leading to good things. It is leading to some very bad things that are occurring in our society. We need to stop and think

about it. If there ever was a piece of legislation that we needed to have a real good look at during committee, and I hope all parties will do that, this bill would be it. The bill is seriously flawed and it needs correcting. I hope the committee will come back with a document that makes this House open its eyes and say, "If we are going to protect our kids, particularly the young people who engage in these activities, then we have to get tougher on how we deal with it".

• (1545)

When we are dealing with a product that happens to be so easy to obtain in a prison where there is zero tolerance, then zero tolerance has to mean zero tolerance. Let us make these bills mean what we say. Let us not soft pedal.

Hon. Dan McTeague (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Mr. Speaker, I want to compliment the hon. member for Wild Rose. I heard some of his comments.

Mr. Speaker, from everyone in my riding, congratulations on your elevation. The irony of this debate on marijuana and your province is not lost on many of us who have worked in the House over the years.

This is a very serious issue that concerns all members of Parliament and certainly those who want to make sure that we have effective legislation that meets the test of ensuring that we do not unduly prosecute young people. At the same time, we must recognize very clearly the scope, breadth and strength of organized crime. It has used this product in so many communities across the country in order to achieve what is probably more difficult to achieve in other areas related to drug offences. I am of course referring to marijuana grow operations.

The legislation proposed by the minister, Bill C-17, is an improvement. It is an important step toward some of the amendments that many of us in this House have been fighting for for many years.

In particular, I point out the existence in the proposed legislation of a roadside protocol to ensure that those who are marijuana impaired are in fact able to be prosecuted. They are going to be subjected to an analysis that would determine the level of toxicity and, of course, their ability to operate a motor vehicle. I salute the people at MADD Canada for the work that they have done in this regard.

It was also a very good week in my view. In February 2003 I encouraged, goaded, cried, yelled and screamed at the then minister of justice to try to overturn a lower court decision on the subject of the forward looking infrared helicopters. These are the very tools, the devices the police forces were using to try to combat this scourge by taking heat signatures.

While I understand the decision was based very much on privacy, it obviously ignored the common public interest, the interest that the public has in ensuring that the proliferation of the grow op homes, estimated to be at some 50,000 in Canada, were at least put in check. It is clearly an example of where I am pleased to say the court unanimously agreed with my position and that of many of the people in law enforcement and restored this very valuable tool.

Government Orders

It is for that reason and in the spirit of what the hon. justice minister has suggested in bringing forth this legislation that any amendments to further enhance the legislation's effectiveness will be considered as the bill moves through the parliamentary process.

Mr. Speaker, with your indulgence and that of my colleagues in the House of Commons, I would like to propose just a few amendments. They are done as a constructive way of ensuring that this legislation meets the test of public security, meets the test of ensuring that we do not see a proliferation of organized crime as was identified in project Green Tide by Criminal Intelligence Service Ontario, as well as what has been revealed time and time again by Criminal Intelligence Service Canada.

The possession of 15 grams or less being given a fine does raise concerns about the potential for trafficking. One can see a situation where a number of young people would be given so many grams less than 15 and the potential for trafficking and getting around the system is certainly there. Maybe when we come back to this legislation in a few years our police forces will have told us it is a serious problem.

I am not sure that sending a message to young people that they should not be taking this product can be understood if the penalty for youth is less than the penalty for everyone else. We should have a blended penalty, certainly as far as the ticketing scheme is concerned.

On that subject, many police forces have identified the concern about the courts being jammed with things like parking tickets. It would be very difficult from that perspective. It will certainly not win us any support among the provincial attorneys general, but we will see where that goes.

In the interests of time, there is possession of one gram or less of resin, of 15 grams or less of marijuana while also operating a motor vehicle, while committing a more serious offence such as break and enter, while in or near a school, which would trigger automatically a serious fine. We could broaden that not just to schools, but to places where young people might want to gather, such as community centres and sports complexes. These should be included.

In my view not only should that be the case as I am trying to describe point by point, but it seems to me to be rather inconsistent that we would not put in place a national drug strategy to inform young people that the bill is not about the legalization of the product, but in fact is trying to get around a very important system through decriminalization. I cannot overemphasize that point. It is extremely important that we have a fully funded national drug strategy in place before the bill is proclaimed and gazetted and is the official law of the land.

• (1550)

Much has been said here. I am one of many members of Parliament who have had the benefit of seeing a marijuana grow operation at various stages of operation. I can say that in seeing what was occurring, quite apart from the health of individuals, children around the area, there is also concern for our firefighters and police and those personnel who would be the first ones to be on site.

It says that the use of traps and explosives will involve some degree of offence and probably will be prosecutable, but there are no

specific penalties for those who deliberately set traps or injure individuals as I have so described. It is important that we set in legislation some kind of provision to protect those personnel, especially when there is an issue of setting something up deliberately. While I am not big on specific penalties, I do believe in this case it certainly would be warranted.

I am also concerned about the sharing of information. Where there is a sharing of jurisdictions between governments and police agencies that may need it for other purposes, I am worried about the impact this could have. An individual, a government official for instance, sharing information with another government might find themselves in a situation where there could be criminal sanctions for doing that while the actual offence in play here for which the person has been identified may very well be an important and accessory concern for both governments. It is really important that we understand that and get our priorities right on all of this.

The proposed amount of 30 grams or less in my view is probably a little high. As has been suggested by several members, that could be anywhere between 35 to 60 products. I do not know of too many people who use more than one a day. I hope there are not many who would be in that situation. The effects would be enormous on the individual. We know of the health consequences, particularly from a cumulative effect, such as psychosis from long term use.

I will be meeting in a few minutes with officials from General Motors who are in fact in the lobby as we speak. I am sure they would not want to see a system that encourages workers, young people, to take up a product that could have long term effects.

I heard the hon. House leader for the New Democratic Party talk about this having been around for about 30 years, since the Le Dain commission. It is an interesting time to make an analysis of what this product is all about. Thirty years ago it did not have the potency that it has today. The THC level is much higher today.

The people who are advocating this, particularly the ones who for a \$25,000 investment can buy a home in my riding or can rent a home and make \$600,000 a year are not, I repeat not, marijuana enthusiasts. These people know there is money to be made. If one could put \$25,000 down and make \$600,000 a year, I know there would be a lineup, but the reality is that we have to understand the upstream where there is the potential threat of growth in our grow op operations as well as the downstream. If we give more point and purpose to people taking the product, it is obvious we are going to encourage those who take risks notwithstanding the penalties.

Government Orders

This brings me to the subject of the sentences for marijuana grow operations. Seven years on average means 30 days in jail or a conditional sentence, or incredibly as I have seen in some cases, house arrest, in the very house where the person is growing the product. Doubling that from 7 to 14 years will not be as effective as some believe it will be. It would go from 30 days to 60 days. One would probably answer the big question, big deal.

There is wisdom in ensuring that we get this legislation right. The minister has signaled that he has an interest in seeing that these amendments are taken forward. I have pointed out several.

[*Translation*]

I think we must be sure to reason with young people so that they choose not to consume these substances. We have an obligation to protect the integrity of the law and the integrity of the future of our country, at the same time.

[*English*]

Let us make sure this is good legislation. Let us look at some of these amendments because this bill is heading in the right direction, but it needs help.

• (1555)

Mr. James Lunney (Nanaimo—Alberni, CPC): Mr. Speaker, I have enjoyed listening to the debate on this important matter of Bill C-17, the decriminalization of marijuana. It was known in the previous Parliament as Bill C-10.

We already had a lot of debate on this subject in the previous Parliament. We on this side hoped that if legislation were to come forward again, we would see substantial changes to the bill that would make it possible for us to support the bill. However, the bill as it is presented is unworkable for a number of reasons, reasons that I think expose the Canadian public to risk in a number of areas. Unless the safeguards are put in place to make this a workable plan, it is simply not something that should proceed at this time.

The member for Wild Rose spoke just a few minutes ago, and I commend the member. I know he has a passion for the subject. Having served as a school principal for many years, he is concerned about young people. We applaud the concerns that he has expressed.

I, too, have seen the effects that drugs and marijuana have on young people in my own community. As a health professional, I am concerned about the effect on young people of liberalizing marijuana. I am concerned that some of the effects of the bill will encourage young people to get involved. I am concerned they will be targeted by older people to help them in distributing the product because the young persons would be given lower fines if caught.

I was pleased to hear the member for Pickering—Scarborough East who spoke a moment ago on the other side indicate his concern about some of the weaknesses in the bill, particularly as they relate to grow ops, the terrible problem they represent and the risks to firefighters and police who enter the homes. Also, organized crime reaps so much profit from marijuana grow ops in our communities. There is the spoilage of houses and the effect that has on the real estate market, and on very valuable realty.

Certainly, in British Columbia it is a huge issue. Officials estimate my home province has about 44% of the grow ops. We know it is

also a big problem in the metro Toronto area. It is a huge problem in the Lower Mainland. I am sure the Speaker is quite aware of this.

I want to outline some of my concerns. I have four reasons why I am concerned about in the bill, and I will address each one of them. The first is the health consequences. The second is the hazard to society from impaired persons. The third is the increased effect it will have on criminal elements in our society and on the corruption of youth. The fourth is the effect on our borders.

First, on the health effects, smoking anything is not good for one. How much evidence do we need for this. The government has committed some \$500 million supposedly over five years to help convince Canadians that smoking cigarettes is not a good idea. It is a lot of money that could be spent on other valuable projects and on other urgent health needs.

Along with a proposal from the minister that we would invest a further quarter of a billion dollars encouraging people not to smoke marijuana, we are at the same time looking at loosening the restrictions on marijuana. That is a lot of money, \$250 million, that could be used on other things. It seems to me that the inconsistencies in these messages are something we ought to seriously investigate as members. I wonder if that does not tell us that we are headed in the wrong direction.

The other thing is the objective that has been set with this so-called \$500 million targeted toward convincing people that smoking cigarettes is not good. We are not spending that money. I recently had people who were concerned about the effects of smoking cigarettes visit me in the office. Now the government, because of concerns about other sponsorship programs, has decided we had better scrutinize advertising very carefully. It has capped the advertising limits, including the advertising targeted toward young people to expose them to the risks of smoking cigarettes.

We have some terrible inconsistencies with this. On one hand we are loosening controls to make it available to people. On the other hand, we are spending money to convince them that they should not do it.

Smoking anything is not good for one. One's lungs take in the oxygen that is so important to keep us all healthy. I know all members in the House are interested in the effects of exercise and ensuring that we get aerobic conditions in the body that help us resist bacteria and viruses. Frankly, as a health care practitioner, exercise is an important ingredient in maintaining a healthy body. Part of that is due to getting the circulation going and getting oxygen around the tissues.

Government Orders

•(1600)

We will foul up our lungs, regardless of whether it is with tars and nicotine or with the stuff that is in marijuana, which is yet to be fully studied. We know there is THC in it which people are after for the buzz. It appears that the benzopyrene and the tars in marijuana are far more potent than what is in cigarette tobacco. If we are going to pollute our lungs with these compounds, some of which are known to be carcinogens, up to 20 times as toxic as what is in cigarette smoke, it certainly would indicate that we will see increased health consequences as people smoke more marijuana.

For those who want to make it available for medical reasons, I would suggest there are probably safer delivery systems. That may be through an oral route. However, smoking it is a non-starter from a health standpoint. Also, how effective THC is as a medication has yet to be studied.

As a health care practitioner, I am concerned about the rising health costs in Canada, which are sabotaging our ability to meet other needs in society. They are making it impossible for governments to administer to other needs of Canadians, such as education, infrastructure, roads, highways and all the other important things that governments have to deliver.

I have to go on the record as saying I think it is a bad idea. If we want to make marijuana available, let us not smoke it. Smoking anything is not good.

We could do what is done in other areas of insurance. For example, if one is a high risk person with many car accidents, the insurance company charges more for one to have the ability to drive. We should talk about that. If persons are going to do something that is of high risk to their personal health, which is going to put the liability on the public to look after them, then perhaps there should be some accountability and they should pay a higher health premium of some kind to access that product.

That is not party policy. I am talking as a health care practitioner who is concerned about an unmitigated risk. As members of Parliament, we are contemplating doing something without making adequate provisions to look after the consequences. Therefore, I am concerned about the health effects of smoking marijuana.

I am also concerned that we do not have any means of testing for impairment. We have many heavy equipment operators where I live. There are guys working on the side of the road with graders. They are working with heavy equipment. We have many elderly people in my riding. We could have grandma coming out of the driveway while the plough is coming along doing some road work. We want to know that the guy operating that equipment can notice her and not plough her off the road. Some of these dear seniors in our area have stiff necks and sometimes their vision is not so good. We want to ensure they are safe.

Therefore, we have no means for testing the ability of someone to operate heavy duty equipment. Yes, we are talking about a blood test. Perhaps there is a blood test that would be available. Imagine a police officer on the side of the road trying to administer a blood test to someone who might be impaired? I have seen people impaired on marijuana. They can be as plastered and as disabled as someone on alcohol or any other intoxicant. That is a concern.

I am also concerned about the effect on our borders and on organized crime. The effect of loosening up the marijuana restrictions are going to have untold consequences at our borders. We already have huge problems.

Our automakers visited us today. They are concerned about the delays their products at the border. That can make a difference as to whether an auto manufacturer wants to create parts on one side of the border or the other. We will be tying up our borders even more if we are as concerned as U.S. is about what products might cross them.

A lot of issues need to be addressed. We need to look at the fines that will be imposed. For young people to get a lesser fine is a clear signal that older people will target young people. They will make sure they have a young one to pass the goods to, so he or she gets the lesser fine. That is a very risky way to go. It is a way to guarantee that older people will target younger ones to avoid the consequences of their own misbehaviour.

I hope that members will pay attention to the debate and that we will do the right thing on this bill.

•(1605)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am pleased to participate in the debate on Bill C-17, which has now become known as the bill to decriminalize marijuana. In its brief title alone it sends the wrong message to anybody who hears it, because obviously the bill is not to decriminalize marijuana. It is subject to certain conditions and amounts.

It leads me to phrase my comments in this sense. Since this is a brief debate to refer the bill to committee before second reading, where a lot more work will happen, I want to lay out a few of the questions I might have and hope that members of Parliament will consider the answers at committee.

I oppose the bill. I oppose the decriminalization. If we were to take a step here, let us not be coy. If 15 grams is okay, why do we not decriminalize it and let us deal with it. It really is almost like a step. Let us take a little step and maybe later on down the line we will see.

There are too many other questions that we have to ask. I have spent a lot of time with my own police chief talking about this. We are very concerned that this is the wrong message to send to our young people. This is the basis for my concern about the bill.

Government Orders

Here are a few points. The Tetrahydrocannabinol, THC, content of marijuana today is about 10 times higher than it was 25 years ago. People talk about experimenting with it when they were in university. We could smoke a whole field of the stuff and it would not have any impact. Today it is different. We have to ask ourselves this question. Is a few grams of something with low THC the same as the same number of grams with a high THC? It seems to me that the level of THC content in terms of how many grams it is okay to have and then smoke really is relevant. I do not know why we have not talked about that. We know it impairs one's ability to operate machinery, et cetera.

Bill C-16, which is coming forward, deals precisely with how do we determine whether someone is impaired when driving a car, et cetera. We will probably spend about 75% of policing costs trying to find who is 15 grams below and those who are above. What a waste of money in my view. Let me pose that rhetorically. I cannot say it is a waste, but it seems we should find out whether it would be a waste.

What about customers versus the criminals? It seems to me that a young person in high school who wants some marijuana has to get it from somewhere. Under the law it will still be a crime to produce or to distribute. Therefore, anyone who will be using marijuana has to have obtained it from someone who is committing a crime. Most of it is coming directly and indirectly from grow houses which are controlled substantively by underground criminals, the Hell's Angels and the like.

The marijuana dollars will not go to finance fancy lifestyles for bikers. It will go to finance prostitution rings, loansharking and all kinds of criminal activities. We do not have to talk about the terrible situation we have around the world with this crime element. It is very concerning. A lot of things that are happening in the bill are on the backs of grow ops. It is like saying that we will deal with grow ops.

The bill is trying to deal with far too many questions and it is trying to resolve far too many issues. Maybe somebody at committee will ask this question. Why do we not come up with a bill that is focused and targeted solely toward addressing the issue of grow ops? Let us deal with it. Are there tools that are necessary to deal with it? I know we talked about infrared technology to detect heat in houses, et cetera. An important privacy issue comes up on that. It is an important debate and I think it would be lively.

There are 50,000 grow houses in Canada. Our objective should be to deal with that in a separate bill, not bury it in a bill with a bunch of other things. It is an important issue.

Is marijuana an entry level drug? I do not know of any expert who has ever discussed this who would deny that marijuana is an entry level drug. Do hon. members think that pushers just sell marijuana? Do they think maybe they could also sell some hard drugs? Absolutely.

• (1610)

I know a little about this. I chaired a committee for a couple of years that was studying Bill C-7 on controlled drugs and substances. I heard the RCMP and the various police agencies. I heard some of the proponents for the legalization of marijuana. I heard all this stuff over a two year period of my life. I came to the conclusion that people were not being honest with the facts.

What is going to happen? Even the former justice minister said that if we were to decriminalize small amounts of marijuana there would be a significant spike in marijuana usage. We need to find out whether that would be temporary or a reflection of the fact that we really were sending the wrong message and all of a sudden a whole bunch of other people are engaging in so-called recreational drugs. I do not know what recreational drugs are. It is just a fancy name that people use. It is drugs, drugs that impair one's ability. It is drugs that lead to other drugs that can harm not only that person but others. It harms all of society. There are some very serious questions here.

People talk about not wanting kids with records because they would not be able to get into the U.S. if they have a criminal record for the simple possession of marijuana. However I know what the facts are. Many of these people who have been convicted of simple possession of marijuana, those charges are also in conjunction with other criminal charges. It is not just people being charged because they had marijuana. It is because in the act of a crime other things were found. How much of that is there?

In a survey, which I read in the paper this morning, 10% of Canadians said that they had tried marijuana at least once in the last month. Well, excuse me, even if that is correct, that means that 90% of Canadians have not. Is 10% the threshold for us to say that we should decriminalize it for everybody? What is this arbitrary thing about 10% being socially acceptable? I do not accept that at all. I would challenge that. I do not think behaviour should be driven by a minority. Behaviour is the consensus. Consensus in our place does not mean 10%. It means the preponderance, the majority.

Drugs are in the schools in my own community. The teachers are concerned but they do not have the tools to deal with this. This is not going to help them. Our police chief needs to have his officers spending all their time trying to deal with these things. They cannot keep up with it because we have not enforced the laws. We have cases now where policing authorities are not enforcing even the current laws. Some courts have stopped opining on these cases because somebody sent them the signal that it would be changed, so why would they want to deal with those case. We have put ourselves in such a mess that I think it is time to question whether we are doing the right thing.

What would this do to our anti-smoking program? If people are going to smoke marijuana I suppose they could start smoking cigarettes too even if they are not smokers. It could happen. What are the numbers? We should find out.

Government Orders

I have heard a lot of people talk about a national drug strategy. This is something we have had for a long period of time. It covers a broad range of stuff, not only drugs but alcohol and tobacco. If we look at the programs, we have spent an enormous amount of money with a fundamental theme of healthy lifestyles, healthy choices. This bill leads us on another step of abdicating our position on healthy lifestyles, healthy choices. It creates some concerns. Where do we get a foothold on this whole question of decriminalization?

I would have much preferred, quite frankly, if the bill had been split where we could deal with grow houses and some of the serious issues and then be able to deal with the marijuana issue, but not decriminalize, because nobody understands the difference between decriminalize and legalize. It has confused the heck out of Canadians. We should have come forward with a bill to legalize marijuana and watched the House defeat that bill.

Mr. Deepak Obhrai (Calgary East, CPC): Mr. Speaker, it is an honour to rise and speak to the bill on the issue of marijuana, an issue to which I spoke when it was first introduced in the last Parliament.

One of the serious problems that has crept into my riding and has caused a lot of concern for the residents is prostitution. After checking with the police and others, prostitution is driven by drugs. What we have now in my riding, right in the middle of Calgary, are drug growing operations, which is another serious problem. In trying to address that issue, we have met with law enforcement agencies to see what can be done. One of the things they always say is that they want the tools they need to crack this vicious trade that takes place.

At the end of the day, these guys who are engaged in these drug activities and all these things, are not law-abiding citizens. For them, any kind of a law that is weak sends out a message that it is okay for them to carry on because the punishment will not match the severity of their crimes.

The marijuana bill, from the Conservative Party's point of view, would send the wrong message, a message of tolerance toward using drugs, because it would create a system whereby fines would only given for the possession of a certain amount of drugs, and there would be a difference in the fines for adults and the fines for younger children.

I do not understand why we would have this kind of a difference for younger children. Is that to say that because younger children do not have money or whatever that their fine should not be as high and that it is okay for them to smoke? No.

Let me quote from the background material of the special House of Commons committee on the non-medical use of drugs which stated in its findings that reforms should be accompanied by prevention and educational programs—and here is the point—outlining the risks of Canada's use of marijuana and, in particular, the heightened risk it poses to young persons.

I want to read from another report which talks about the same thing. It says:

Combining cannabis reform with this public education campaign will reinforce the message that marijuana is illegal and harmful to one's health. .

Now we know that it is harmful to one's health. If it is harmful to one's health, especially younger people, why are we coming along

with a fine system that tells young people that their fine will be reduced? I do not understand the logic in that. We know and we have identified this as being a health hazard for young people.

As recently as two months ago, my young teenage son and his friend, who are studying at the University of Alberta, were arguing with me that it was okay to smoke marijuana and that it was not harmful to our health. I asked them where they had read that information and they said they had read it on the Internet.

If we want to stop people from smoking, we have to be tough, but now, when we introduce a bill such as this, we are sending out a message that it is okay to smoke and if they get caught it is a small fine, a lower fine for younger people and a higher fine for older people. The fact is that marijuana would probably be less harmful to older people.

•(1615)

I have been lobbied by people who use marijuana for medicinal purposes. We have recognized that use despite the fact that it is bad for their health but it does give them relief from their chronic diseases. That has been taken into account and I am glad we have addressed that issue.

However, concerning the issue we have before us today, we should have a zero tolerance policy. We need to have educational programs to tell young people that smoking marijuana is bad. The committee recommended that. On one hand we are saying that we need educational programs but on the other hand we are saying that the use of marijuana up to a certain level is okay. However, it is not okay.

The government claims that it is not saying it is legal but that it will not be a criminal offence. Well, we do not want our law enforcement agencies, which already have scarce resources, going after people who possess one or two joints, but let us make the level of possession at perhaps one or two joints, which will probably not affect anyone's health and will not be a criminal offence. The Conservative Party is recommending the possession of up to five grams only which means about six or seven joints. However, when we are talking about 30 grams, that translates into 50 or 60 joints, which is pretty hefty.

We also need to address the issue of drug driving detection. All the reports from committee have said that marijuana does impair one's mental capabilities and that it is dangerous for drivers.

Bill C-17 has a lot of flaws. At this stage the Conservative Party finds it difficult to support it. It is a great headline maker to make a statement indicating that certain small amounts of marijuana will be decriminalized, but if the government wants to do it that way it has to be done in a more responsible manner. Parliament has that responsibility to our young people and the public at large.

On Monday a Calgary city councillor was on the same plane with me and indicated that Calgary's police chief did not think this was a good idea because it would make law enforcement officers weak in fighting this crime.

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When the bill goes to committee my colleagues and I will try to make sure there are enough changes in it that will send the message that we will not tolerate the use of drugs.

• (1620)

Hon. Hedy Fry (Parliamentary Secretary to the Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I want to speak in favour of Bill C-17. I was a member of the special committee on the non-medical use of drugs, one of the two committees that are quoted as having studied this issue. We spent a great deal of time not only studying the issue in the literature, but we had appearing before us educators, enforcement officers, addictionologists, physicians, and various people with a great deal of understanding of these issues.

Moreover, this committee travelled to the United States and Europe, and looked at various jurisdictions and the ways in which they dealt with this particular issue. We clearly recommended what is seen in this piece of legislation.

We did not believe, as some people said, that we should legalize the issue. We felt that it was far more important to deal with a specific component of the use of this substance and deal with it in the manner in which we are dealing with it in this bill, which is to treat it as an infraction.

Some people have said that most people do not understand the difference between legalization and decriminalization. The committee felt that the legalization is the removal of all sanctions regarding sale, possession or production of a given substance. Whereas, decriminalization is the removal of criminal sanctions for some activities relating to the substance, while retaining legal prohibitions on the others. This is exactly what has happened here.

Bill C-17 deals simply with the simple possession of a particular amount, 15 grams. This would be dealt with in the same way that we deal with any kind of infringement in a motor vehicle accident or in other ways that we deal with provincial legislation dealing with that kind of thing.

One of the things that we felt was really important dealt with that fact that many of the criminal charges brought against people for cannabis use and cannabis possession was very inconsistent across the country. In some places it was ignored. In many places there were charges brought and it was beginning to take up 90% of the criminal justice resources in terms of court time on something which many of us felt, when we looked at the issue, we could deal with in a very different manner thus freeing up the justice system to deal with other areas.

What people forget is that this bill and other parts of the legislation is going to allow for continued criminal prosecution for sale, production and trafficking in this particular substance. In fact, the prohibition against this particular drug has been increased with regard to production, trafficking and sale.

One of the things that I have also heard people say is that this will allow people to use this substance, more people will be smoking cannabis, and this will create a sort of a free for all for everyone. In fact, we looked at what has happened seven years later in countries such as Australia where this was done.

We found that what was most important is that this should not be a stand alone. It is important to see this piece of legislation not simply as a stand alone piece of legislation. It is part of an overarching national drug strategy. Some \$245 million dollars has gone into this overarching drug strategy. A big chunk of that will be dealing with increased awareness, education, prevention of the use of illicit substances, treatment, harm reduction and enforcement. This is a continuum of a strategy. This is just one small piece with which we are dealing.

By removing the criminal sanctions from simple possession, we are in fact going to be increasing education, awareness, and prevention strategies. We will be increasing the penalties for those who traffic, produce and grow this substance. In fact, we are talking about moving forward in the enforcement area in a larger manner and increasing all of those other areas, which are components of a good strategy.

We also need to look at legislation that will be coming forward that is going to look at impaired driving. It does not matter what impairs the driver, whether it is cannabis, alcohol or whether it is some other drug or whether it is puff medicine that impairs the driver.

• (1625)

The point is that there are very real physical side effects that occur when one is impaired, so testing for those physical side effects would be the same. Deciding what actually caused the impairment becomes a moot point after that. One of the things to remember is that currently we have two very legal substances that are far more dangerous from a medical point of view and from any words we have heard from any addictionologist, and those are tobacco and alcohol. Yet, they are legal; they are licit. The violence that occurs with the use of alcohol, the impaired driving, and the loss of life that occurs with the use of alcohol is continuing and it is still a legal drug.

We are saying that we have cherry picked one drug. We have found that very few people actually drive under the influence of this particular drug because it is a drug that decreases motivation so that one tends to want to sleep, as far as I have heard from all of the addictionologists, rather than go out and do any kind of activity at all, never mind drive a car. The amount that would have to be used to cause an impaired driving offence is going to be large. By that time, I understand the person would be passed out cold and not be able to get behind the wheel of a car.

We need to take something like this and put it into perspective, and not merely knee-jerk to it. We are trying to make consistent the way we deal with certain drugs and bring cannabis into the same realm in terms of the way we apply sanctions to it as we do with tobacco and alcohol. Everyone must realize it is still an illegal drug. We are only taking a small part of what we are doing and building some sanctions over it.

I have heard people complain that this could cause a problem in Canada-United States relations, but when we visited the United States we found, and the literature told us, that in California and in certain other states this kind of decriminalization has been going on for many years.

Government Orders

It has been found that if paired with good awareness, education and prevention, especially among young people and in the school system, that in fact the use of a substance went up for a very short time, levelled and then began to fall. As young people became more and more educated with regard to the harm caused by the use of the substance, they were more concerned about the harm caused by the use of the substance in the long term, and that itself is what drove down usage whether it was tobacco, alcohol or cannabis.

This bill is part of a drug strategy that is comprehensive, integrated and has a continuum from the very beginning. It allows young people to begin to understand that the use of substances, whether they are legal or illegal, whether they are prescription or off the counter, carry with them impairment of some kind and a risk of addiction. That is where we want to focus our message.

In the meantime, taking young kids of 16 who are caught with a joint in their car and for the next 10 years are not allowed to travel across borders or able to find a job is a difficult thing because it does not happen if those kids are found with alcohol or cigarettes.

We need to look at this as part of an overarching substance strategy in a national drug strategy. We want to eventually bring down the use of substances and allow people to have an informed understanding about what substances can do to them, and to be able to make good choices in the long run.

I support this bill. We should think about it as part of an overarching strategy and not as a stand alone piece of legislation.

• (1630)

Mrs. Bev Desjarlais (Churchill, NDP): Mr. Speaker, I would like to comment on what my colleague from the Bloc said earlier. It is not always a pleasure to be back in the House speaking on the same issue that has sort of been hanging around for a number of years and that we never seem to be able to deal with to finality. We cannot seem to show Canadians that we actually can see some change take place. I am not going to say that I am pleased to speak on this issue again. However, I would hope that this time, as we discuss this issue in the House and it goes to committee, we can put some finality on this issue and see some changes.

I am not going to comment on everything that is in the legislation. My colleague from Vancouver East who spoke earlier today mentioned a lot about the bill, specific clauses within the bill, and amendments that the NDP had made to the bill in the previous Parliament. Those amendments would see a more justifiable change that would benefit Canadians. We will be working on those amendments again as it goes to committee.

I want to comment on the government's overall drug strategy. That has been raised a number of times by different representatives from the different parties. It is a bit strange that as a government it appears there is no particular drug strategy in place. That is an issue.

All that we see in place is a punitive justice type situation where people who have problems with drugs are picked up and charged, some are thrown in jail and some are not. It all depends on who one is. That is the reality of it. It all depends on who people are and whether they are going to have criminal charges brought against them, whether they are going to be fined, or whether they are going to be thrown in jail. That in itself is a major issue.

I am glad to hear my colleague from the Liberal Party mention two other drugs that are extremely bad within Canada. We see extremely negative impacts from alcohol and tobacco use. We have put them in a legalized perspective and we have made tremendous changes within the public as to how these drugs are perceived.

We have seen smoking rates decrease in a number of areas. We have seen alcohol consumption decrease in the amount individuals drink, not necessarily overall but individuals themselves, and it is no longer okay to be impaired while driving. It is also no longer okay to be impaired in a lot of instances, even socially. It is just not accepted any more. I think that is an absolute plus. That has been done through the use of education and prevention.

What we have seen from the Liberal government most recently is a cut of I believe \$70,000 or \$80,000 to tobacco education at the same time that it is supporting the tobacco industry on a challenge within the courts. That is not acceptable and I think it is sending a negative message.

I would question anyone in the House who thinks it is okay to drink and smoke tobacco but somehow thinks cannabis use should be illegal. I have been chuckling throughout the day as the debate has been going on because we keep hearing about young people who are going to have criminal charges. There are a lot of middle aged people out there who have criminal charges because as young people, 30 years ago, they were partaking in cannabis use. Some have been lucky and had their charges dropped, or what is the other terminology that we use?

An hon. member: Absolute discharge.

Mrs. Bev Desjarlais: Absolute discharge. They got a bit older, they are tax paying individuals, and somehow had their case heard and their charges wiped away. But there are an awful lot of others who may not have had the money to proceed or pursue it and still have the stigma of a criminal charge for cannabis possession.

I am not going to get into these arguments of how much constitutes possession or trafficking or anything else as I think all that will come up again in committee. It is crucially important for members of Parliament to be really honest with themselves. How is it okay for an individual in the House to drink or smoke tobacco and yet somehow feel that some other individual smoking or using cannabis is any less of a problem? In my view, they are the same.

• (1635)

Quite frankly, I have experienced being around people in both instances, and I can say I would much rather be around someone who smokes as compared to someone who excessively drinks and gets a little carried away.

The other point I want to make in regard to this issue is the fact that our police system, whether it is the provincial police or the RCMP, have had their resources taxed to the maximum.

Government Orders

I have listened to my colleagues in the Bloc talk about the number of RCMP detachments that have closed. I think we have all seen in our areas that RCMP detachments have taken on bigger and bigger areas. Pretty soon the RCMP detachments in some areas will have ridings the size of some of ours. That is how bad it seems to be getting in some areas. There is one detachment that has to cover this area, and in some cases they have to fly into communities and they do not have the resources.

From a purely economical perspective, it is ludicrous to have RCMP officers having to try to deal with simple possession charges, knowing that it will go to the courts and, as has been mentioned in numerous instances, there is no real follow-through on anything—not that I think there should be. In a good many instances even the judges have realized it is not the right thing to do, to have someone get a criminal charge on simple possession of marijuana, because they have seen this year after year and they have not seen the drastic consequences. I believe in some cases they are making sound judgments.

Now, on the issue of major grow ops and the charges that are followed through, I have had some disagreements, but I think we take every case as it happens.

From the perspective of the best utilization of our resources, just as I do not believe it is the best utilization of our resources to have a gun registry, I do not think it is the best utilization of our resources to be going after people for simple possession of cannabis. I think we need to be honest as to how we deal with these things.

About five or six years ago I was at a meeting out in B.C. in one of the areas and there were a lot of older women at this meeting. It was interesting to hear them talk about the fact that they thought cannabis should be legalized, not decriminalized. They were talking about it should be legalized because they were tired of the RCMP officers in their area having to deal with these issues when they were worried about home invasions, assaults, and all these other things happening, and they did not have the resources to deal with it.

I implore my colleagues in this House to look at this from all perspectives, not just that somehow we do not want to be seen as allowing a new drug to be legalized, but from all aspects. It is legalized in the sense that we have not been able to put any controls on that part and there is an unjust system throughout the country as to how the rules are played out. I would hope that we do not just look at this from the perspective of not wanting to appear as if we're legalizing another nasty drug. I would hope that is how we end up doing this in the House, that we look at it from all aspects.

With the one minute I have left, I just want to say that I am also greatly concerned, and I see this in my riding, that simply trying to get access to marijuana use means that a lot of young people in this case—and it is young people, because I can say that the older people do not have to contact someone directly tied to a local gang, because they know where to get their cannabis somewhere else—it means that young people are being pulled into gangs and then they cannot get out of them. That bothers me to no end.

I have seen some pretty violent situations where these young people want to get out of it and cannot, and I want that to end. I want

a legalized system in place where young people, and I'm not talking about ten and eleven years old, have access.

I do not have any more time, Mr. Speaker. I know that in the future I certainly will have the time to say some more about it. Thank you very much.

● (1640)

Mr. Vic Toews (Provencher, CPC): Mr. Speaker, I appreciate the time to add a few comments to the record.

I have a few concerns with the bill. First, the bill will increase demand. That is what law enforcement officials are telling us: that the taking away of these penalties or reducing the criminal penalties will fuel demand. At the same time, production is kept illegal.

What does that mean? We are ensuring that organized crime has an increased amount of market share. So this bill is tailor-made for organized crime—let there be no mistake about that—when we increase demand and keep the production illegal. Let's not fool ourselves on that.

I have talked to the schools in my area about this, and they are very concerned. They believe that this bill is also tailor-made to encourage small-scale trafficking among youth. That is what this is going to do. Thirty grams of marijuana or 15 grams of marijuana is enough to ensure that trafficking goes on in our schools on a small scale.

There is some disinformation that has been provided that the reason we are doing this is to get rid of criminal records. Every member of the House knows that at present there are conditional discharges available and absolute discharges available for the possession of small amounts of marijuana, and that is in fact what is given for these kinds of offences. To suggest to the Canadian people that this is the reason we are doing that is simply wrong. There are enough mechanisms in the current law to avoid criminal records.

The other point is the health issue. My colleague from Churchill has indicated that marijuana is just as bad as alcohol and tobacco. I don't know if it is just as bad, but I don't see the justification for putting yet another drug onto society. I am concerned about that. We have not looked at the health issue.

Health professionals are telling us that present-day marijuana is a very addictive drug. When I was growing up people always said that it was only psychologically addictive. No. Marijuana is physiologically addictive. And in the hands now of organized crime, which cures marijuana in methamphetamine and uses it in that way, we are ensuring that our children are going to be addicts.

I am not saying alcohol is good and I am not saying tobacco is good, but neither is this. Why are we doing this to our society?

If none of those arguments impress anyone in this House, let's take a look at the trade issue. We deal with the Americans in the amount of \$1 billion a day. The Americans have made it very clear to me and others that there will be repercussions in terms of the passing of the bill.

Government Orders

We can say we are an independent nation and we can do what we want, but remember, they are our biggest customer. Eighty percent of our goods are going across that border. I would rather see those goods go across our border and ensure that the people in my riding have jobs. Quite frankly, I think we are blindly going ahead on the basis of disinformation, and especially in the absence of a national drug strategy.

I am going to reserve my comments on the drug impaired driving bill, Bill C-16. I will be speaking to that bill, which is a tremendously bad bill, and again is a matter of disinformation.

Thank you, Mr. Speaker, for this time.

• (1645)

[Translation]

The Deputy Speaker: 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 Deputy Speaker: All those in favour 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 nays have it.

And more than five members having risen:

The Deputy Speaker: Call in the members.

And the bells having rung:

The Deputy Speaker: The recorded division on the motion stands deferred until this evening at 6:15 p.m.

* * *

[English]

CRIMINAL CODE

(Bill C-16. On the Order: Government Orders:)

November 1, 2004—The Minister of Justice—Second reading and reference to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness of Bill C-16, an act to amend the Criminal Code (impaired driving) and to make consequential amendments to other acts.

Hon. Lucienne Robillard (for the Minister of Justice) moved:

That Bill C-16, and act to amend the Criminal Code (impaired driving) and to make consequential amendments to other acts, be referred forthwith to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness.

Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I want to speak in favour of sending this bill to committee.

First I would like to look at the existing situation. There are some situations that do allow the police to do some work with testing when they are investigating drug-impaired driving, but only in narrow circumstances. Of course if there is a voluntary participation in physical tests for drug impairment, the police may investigate along those lines.

If the police demand a blood sample from a conscious driver based upon an alcohol demand, or if they obtain a voluntary alcohol test sample of blood, the Criminal Code does provide that the sample may be further analyzed for the presence of a drug. However, and this is one of our concerns, there is no blood-drug concentration offence in the Criminal Code. It would be necessary to call an expert scientific witness to explain what impairing symptoms can be linked to the particular concentration of the drug found in the blood, and witnesses would be needed for the actual impairing signs that were observed.

Another provision of the Criminal Code authorizes police to seek a warrant to have a blood sample taken from a driver who is unconscious. The police officer must reasonably believe that the person was committing an impaired driving offence and was involved in a fatal or injurious crash in the previous four hours. This is a very narrow situation, which does not frequently occur. It would mean that police might have a passenger from the driver's vehicle who has given them information sufficient to seek the warrant.

Another way the police might pursue a drug-impaired driving investigation would be to obtain a search warrant to seize a blood sample taken in the course of medical treatment. Again, this would depend on obtaining sufficient evidence from a witness who may have been with the accused when the drugs were consumed.

• (1650)

[Translation]

None of the situations I have described happens very often. Most frequently, the police may suspect the presence of a drug in a driver's body but cannot investigate further. Consequently, it is very important to adopt legislation that authorizes police officers to ask drivers to submit to physical tests and provide samples of bodily substances, so that will our roads may be safer.

A survey by the Traffic Injury Research Foundation revealed that in 2002, almost 20% of Canadian drivers had taken the wheel less than two hours after consuming a potentially impairing drug. This included both legal and illegal drugs.

In my opinion, we must integrate the proposed amendments on drug-impaired driving with other measures, including public education, in order to make them effective.

Evaluation and treatment are also important elements in making our roads safer.

*Government Orders**[English]*

The proposed amendments are a prescription for safer roads. They address a problem that is serious and they do so in a measured way. They are based on the science that particular drug families have particular sets of symptoms that can, through physical testing, be observed by persons who are given proper training.

I am under no illusion that all police across the nation are ready to immediately proceed to drug testing of suspected impaired drivers. There is a need to complete training and to bring in the testing based upon the need and capacity in the various provinces and areas of the country. I am really pleased that some police agencies have already commenced such training and that in some provinces trained officers have already done physical testing for drug impairment, if only with suspects who voluntarily agree to participate in the tests.

I note that British Columbia has been in the vanguard in Canada and that some prosecutors and many police officers in British Columbia have participated in drug recognition training.

It is good to see that police agencies are working together to establish the capacity to train the trainers. This is what we need to transfer knowledge and skill around the country.

It will be up to the police forces to determine where the trained officers are most needed and best deployed. This legislation would enable provinces and police to use a tool that is far better than what now exists under the law in order to investigate drug impaired driving. The legislation does not force them to use this tool if they determine that they do not wish to use it.

It is important to think of the drug impaired driving legislation as covering all drugs and not just cannabis. At the same time, it is important to remember that the drug impaired driving legislation includes cannabis and that it can be seen as part of the measures that are being directed against individuals and organizations that are illegally involved with drugs. These other measures include Canada's renewed national drug strategy, police enforcement against grow operations and the proposal to give tickets to those who possess small amounts of marijuana in an effort to increase enforcement against possession.

The drug impaired driving amendments to the Criminal Code should also be viewed as part of the measures that are being taken to improve road safety in Canada generally. The Canadian Council of Motor Transport administrators report to federal, provincial and territorial transport ministers.

I believe that in the proposed amendments we have a measured response to a serious problem. In fact, Parliament has been addressing the problem of alcohol and drug impaired driving for a long time, and the end is not yet in sight. The first alcohol driving offence was placed in the Criminal Code in 1921 and the first drug impaired driving offence was placed in the Criminal Code in 1925.

With the proposed amendments, the police would have a way to investigate drug impaired driving. They would also be able to investigate drivers who have low alcohol but who are impaired because they have combined alcohol and drugs of impairment.

I am under no illusion that legislation by itself will eradicate impaired driving. Lots of other measures that are non-legislative are needed. However I firmly believe that where legislation can help then it should be put in place. Here I am convinced that the legislation will help.

One of the great difficulties with impaired drivers is that so many of them are persistently doing impaired driving trips. Often they make it home without being apprehended and without crashing. They start to think that they are okay to drive when they are under the influence when in fact they are not. Their so-called successful driving under the influence is rewarded and reinforced by the absence of detection or crash. However many do crash and many are caught. It is at the point of such health and criminal law that these impaired drivers could be assessed and sent for education and treatment. It may well be that many of them face multiple life problems and the saving to society would not only be from avoiding alcohol and drug impaired crashes but many other economic and social costs.

• (1655)

Turning our attention to the consequences of an impaired driving crash that is fatal, the great tragedy is that death is so avoidable. For surviving family members of a fatally injured impaired driver, or that driver's passengers or innocent road users, these deaths are emotionally devastating. We really have to thank our service providers and volunteer organizations that do so much to help the surviving victims of impaired driving crashes.

I will conclude by saying that it is very important that we proceed with the legislation, to take it to committee and to review it fully and completely. Although it may not be a panacea, it would certainly go a long way toward dealing with the issues that we see in drug impaired driving that needs attention.

• (1700)

Mr. Vic Toews (Provencher, CPC): Mr. Speaker, the admission by the parliamentary secretary that the problem is serious and that the bill is not a panacea were about the only things he got right.

This is in fact a very serious problem. Drug impaired driving will be fuelled by the companion legislation, Bill C-17, which is the decriminalization of marijuana. Bill C-16 would not address that problem.

Bill C-16 is nothing more than window dressing and a very lame attempt by the government to try to deal with a serious situation that it will be creating on our roads, a situation that will directly lead to more deaths and injuries. I want to say, before I begin my debate on the bill, that by its action the government will be killing and injuring more people on the streets of Canada.

Government Orders

The public should also understand that there is no effective roadside testing device like the alcohol technology that has been developed. When a police officer sees a motor vehicle wandering along the road, if the individual is stopped and there is a smell of alcohol on his or her breath, the officer can demand that the person breathe into a roadside testing device. Those are good indicators of the amount of alcohol. There is either a pass, fail or a warning on the machine.

We do not have that kind of technology when it comes to dealing with drug impaired drivers. Drug impaired drivers are no less dangerous than alcohol impaired drivers. In fact, many people do not realize that when the effects of alcohol and drugs are combined, including marijuana, an even greater impairment occurs.

When people say that they are only going to drink a couple of beers, then smoke marijuana and get into a car, that is much more serious than even taking a lot more drinks. The impairment is multiplied. The government needs to know that information when it turns this legislation loose on our public. The technology for that has not been developed. In fact, a justice official said that the RCMP or the other police officers would have all kinds of physical tests. They will make drivers hop on one leg or they will look at the involuntary reaction in their eyes. What nonsense. What is terrible is that it is coming from legal minds in the Department of Justice of Canada. These individuals know better. They know the poor rate of conviction for impaired driving when there are not these technological devices. That is the kind of nonsense they are trying to tell the people of Canada. They should be ashamed for telling Canadians that this kind of detection will result in more convictions.

As a former prosecutor, I know how difficult it is to convict people of impaired driving. Even in the situation where alcohol is involved and where the smell of alcohol is on people's breaths it is difficult to make a charge when there is no alert or breathalyzer to help.

There are situations though where there is no alcohol involved and it is simply drugs and that becomes even more difficult for the purpose of trying to prove that an individual is impaired by his driving through drug use. Hopping on one leg or involuntary reaction in the eye can be excused in many ways and the justice department lawyers, who have been telling that to the justice minister, know that and should be ashamed of themselves.

The statistics are overwhelming in respect of the acquittals for impaired driving. Some provinces will not even bother prosecuting an impaired driver if there was no breathalyzer or no alert. Impaired driving used to be called section 234 when I was prosecuting and .08 was section 236. That was the way it was done. The impaired driver was simply stayed and the prosecutor tried to get them on .08.

• (1705)

There is another thing that Canadians do not realize. Take a look at *Martin's Annual Criminal Code* and see how many technical defences there are to impaired driving and .08. It is more difficult to convict someone of impaired driving and .08 than an average murder or an average rape. It is a much more difficult offence.

What will the government do now? It will accelerate the amount of drinking and driving or the use of drugs and driving through these twin laws, Bill C-17 and Bill C-16.

The parliamentary secretary says that we will train the trainers. Is that not interesting. Manitoba and Quebec have the same problem. The government is shutting down RCMP stations in Manitoba. In my home town of Steinbach the RCMP highway patrol was shut down. In Selkirk, Manitoba, the RCMP highway patrol is shut down. Of the 65 highway patrolmen and women in Manitoba, 35 are off highway patrol, leaving long stretches of highway without highway patrol.

Train the trainers: Who will the trainers to train? There are no more RCMP officers left on our roads because of the government's nonsense about things such as the gun registry. It has poured \$120 million of money into a gun registry, but it has not hired police officers. The government thinks the bureaucrats will run the justice system. If we do not have police officers out there, our justice system does not work, and the government does not understand that.

Train the trainers: Who will train the trainers? The police will train the trainers. We take more police officers off the street to do the training. Who will pay? It will be the provinces who will pay. In the same way the federal government has downloaded every responsibility in justice on to the provinces, the province will now pay for that training the trainers.

What did the government say? It said that the police would take care of this. It is dumping the problem on the police. It is interesting that in Manitoba the federal government cut the number of highway patrolmen and women to 35. Then it says that the police can take care of this issue.

How will the police officers take care of this issue? They cannot even attend fatals. First responders are out there, not police officers. They deal with gasoline spills, oil spills, bodies on the road, with no police officers available. Train the trainers: we cannot even get police officers on to our street. What nonsense to be telling Canadians that the government is serious about the problem of crime in the streets.

It breaks my heart that 16 years ago the province of Manitoba embarked on an ambitious fight to reduce the amount of drinking and driving on its highways, through administrative suspensions and seizure of motor vehicles. There was no help from the federal government. Certainly the Liberal government has done nothing. The provinces have done it because the federal government does not care about the deaths on our highways.

The federal government has dumped the problem on the police. The administrative suspensions have reduced the number of deaths on the highways. They have reduced the injuries on the highways. I fought to protect those laws in Manitoba. Now those laws have been adopted across Canada. The government is going back on the progress the province made.

Government Orders

●(1710)

The government should immediately withdraw not only this bill, but also Bill C-17 until proper technology is in place. I care about the people in my riding and I care about Canadians even if the Liberals do not. If they do not want to do it, they should step aside. We would get rid of the bill and we would ensure that the technology was in place before we went ahead on something like this.

[*Translation*]

Mr. Richard Marceau (Charlesbourg—Haute-Saint-Charles, BQ): Mr. Speaker, I think that any death or loss of life is in and of itself a tragedy, especially if the tragedy could have been avoided, or the death or accident prevented.

That is why we in the Bloc Québécois will support Bill C-16. Let us give credit where credit is due. In the previous Parliament, the issue of decriminalization of marijuana, which we support, was debated. Incidentally, I would point out to the NDP House leader that the NDP is not the only party to have passed at a congress a resolution in favour of the decriminalization of marijuana. The Bloc Québécois passed one also, at the instigation of its youth wing. I wish to salute its diligent and efficient work as well as its thorough job on an issue as important as this one.

When the bill on the decriminalization of marijuana was introduced during the previous Parliament, several stakeholders expressed concern about this bill's not having a companion bill on drug-impaired driving. This point was raised a few times in committee. The hon. parliamentary secretary will no doubt remember. Naturally, the Bloc Québécois always welcomes good ideas from witnesses, contrary to the Liberal Party while under the command of the member for Glengarry—Prescott—Russell, who, when he was the government House leader, did not always listen to us. Much to his displeasure, he is left with only 21 members from Quebec, but that is another story.

Witnesses came before the committee to suggest that and, during consideration in committee, I put forward an amendment to the bill on the decriminalization of marijuana. The NDP House leader must recall, because there are similarities between that bill and Bill C-16. At the time, the chair, on the probably wise advice of the clerk, rejected my amendment on the grounds that it did not fit in with the decriminalization bill per se.

As a result, instead of the committee tabling a single report, two reports were tabled: one on the bill on decriminalization and the other calling on the government to quickly present a bill on drug-impaired driving.

Thus, it is thanks to the Bloc, with inspiration from numerous witnesses—I thank them—that the government, having listened to us for once, decided to present Bill C-16. We support this bill. We also agree with referring it to committee for full consideration before second reading.

An aspect of interest to me is the one mentioned by the member for Provencher regarding technology and the possibility of properly screening people under the influence of drugs. This is something that has been pointed out to us many times. I look forward to hearing the witnesses, experts, and police officers who will present their views on this. It would be irresponsible for us to present or support a bill

without knowing at second or third reading what its full consequences could be.

●(1715)

Another aspect is the matter of the funding announced by the federal government. If I remember correctly, the figure is \$6.9 million. And if I also remember correctly, there are 52,000 police officers in Canada. As well, I believe I recall that we were told in committee that, for a bill like this to be enforced properly, for it to be workable, about 40% of those 52,000—some 20,000 to 25,000—would have to be trained to administer the standard sobriety tests we are talking about today.

Is that \$6.9 million sufficient to train this number of officers? I rather doubt it, particularly since—as I said in my speech on Bill C-17—this government has decided to close several RCMP detachments throughout Quebec, if I remember correctly, at Drummondville, Saint-Hyacinthe, and Joliette. My colleague from Provencher has also referred to this.

Yet the mayors, municipal councillors and reeves are asking the government not to close these down. They are in at least some of the regions of Quebec where there is large-scale marijuana cultivation. So, just as the police forces start working together to deal properly with organized crime, this government decides to close down some RCMP detachments.

That government is the same one claiming to be so serious about dealing with organized crime. To paraphrase Yves Boisvert from *La Presse*, the government will have a test of political will concerning the bill introduced by the Bloc Québécois and supported by my colleague from Provencher and my colleague from Windsor—Tecumseh, the NDP justice critic. This bill involves the reversal of the burden of proof when it comes to those guilty of involvement in organized crime.

If the government is so serious about its desire to fight organized crime, if it wants to show its goodwill, I invite it to do two simple things, and with these I will end my speech.

The first is to tell us in the very near future that it will be supporting Bill C-242 on the reversed burden of proof for persons guilty of involvement in organized crime, and the second is to reverse its decision to close down RCMP detachments all over Quebec. These would be two good ways of proving that it really does have the desire to fight this social, political, economic and societal scourge: organized crime.

Government Orders

[English]

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I am pleased to speak to Bill C-16, which is the companion bill to the bill we debated earlier in the day, the so-called decriminalization of marijuana bill.

I must say this particular bill which deals with drug impaired driving has not received nearly the same amount of attention or scrutiny as the bill that we debated earlier today. In fact, when this bill was introduced in the last Parliament, many of us felt that it had been very hastily thrown together and the government had responded to a criticism that it had not adequately dealt with the issue of drug impaired driving.

I would like to begin my remarks by drawing attention to some of the information that is contained within the government's own background information in presenting this bill. In the background information it is pointed out, for example, that the Société de l'assurance automobile du Québec has determined that 30% of fatal accidents in that province involve drugs or a combination of drugs and alcohol. A traffic injury research foundation poll in 2002 found that close to 20% of Canadian drivers had driven within two hours of taking a potentially impairing drug, whether it was an over the counter legal prescription or an illegal substance.

I find this very interesting because it really highlights that the fundamental issue we are dealing with is not whether or not a substance is legal; it is whether people take prescription drugs, an illegal substance or drink alcohol when they drive. This point really needs to be driven home, excuse the pun. It is very pertinent to the critical issue of education and people taking responsibility for their actions.

While we believe it is very important in dealing with the decriminalization of marijuana to ensure that there is a rules based approach and that there are proper regulations around use, including impairment, while under the influence of drugs, the most important thing is probably education and self-responsibility. If anybody doubts that, one only has to look at the laws we have. There are all kinds of laws around drunk driving. There are all kinds of criminal prohibitions.

There is massive enforcement, although some people would argue there is not enough. I would argue that over the years what has changed in terms of people's attitudes around drunk driving has come from education, from groups like MADD, local organizations, parent groups, youth groups, through peer education and training in schools. People have come to the realization that driving while under the influence of a legal or illegal substance that can impair one's ability is something that is very wrong and which we all have to take responsibility for.

I want to make that point first and foremost. We can always say that we rely on the law and police enforcement to correct a problem, but we should never overlook, but in fact we often do overlook, the significant value of education and a sense of responsibility that we all have.

In dealing with drug impairment, it should be pointed out that this already is an offence. The problem is there is no sound scientific or objective process for having a test done similar to what there is for

alcohol. In fact, again reading from the background prepared by the government, there is no legal limit offence for drugs as there is elsewhere in the Criminal Code for alcohol.

Unlike alcohol, for the vast majority of drugs there is no scientific consensus on the threshold level of drug concentration in the body that causes the impairment and makes driving hazardous. Technology to detect drug concentration at the roadside is neither an available nor an effective option.

Given this background, I think this should give us some real cause for caution in examining what this bill is about. As I say, from the perspective of the NDP, we certainly support the principle and idea that there has to be effective regulation, but I think we have to proceed on the basis that we examine the proposed bill and that we do it, wherever possible, on a scientific and objective basis.

● (1720)

For example, right now police can ask for, and people can voluntarily subject themselves to, a certain level of testing that can involve blood samples, saliva or urine testing. That is now only done on a voluntary basis. Under the bill police powers would be extended to compel that to be a mandatory requirement.

The issue for doing that involves a series of procedures that are known as drug recognition expert training. At this point only 123 officers in Canada have that training. That is obviously a serious shortcoming. In fact, this testing, if we can call it that, is only used by police in Quebec, B.C. and Manitoba. Again, I emphasize it is only when the driver has voluntarily agreed to participate.

If this is to be extended, if it is to be made mandatory, I would certainly echo the concerns of my colleague from the Bloc, of whether or not there are adequate funds to make this happen. This is something of great concern that we will have to examine when the bill goes to committee.

There are other issues. The Canadian Bar Association has raised some questions about whether or not demanding bodily fluid samples without a warrant is something that could be subject to challenges under the charter. This is something that needs to be examined.

From our perspective in the NDP we support the idea that there needs to be clear regulations. We support the idea that there needs to be enforcement. We believe it is very important that the committee hear from expert witnesses on this issue. I think there is some ambiguity about how these tests are applied, about what the longer term consequences are of these tests and whether or not there are areas where they could be considered to be infringing on people's civil liberties based on the fact that they would be mandatory and not voluntary.

I am sure we will have an opportunity at the committee to go through the bill, to put it under the microscope of that kind of examination and to hear from witnesses.

Government Orders

At the end of the day, because there is a nervousness, there is a jitteriness about proceeding with the first bill, we have to be very concerned that the government does not rush through this companion piece of legislation which may have some serious problems with it. We want to make sure that the examination by the committee takes place with expert witnesses with proper training. We must ensure that whatever rules are put in place for drug impaired driving are rules that can be backed up, that can meet various charter tests. We must ensure that adequate training is involved. Most of all, we must understand the importance of providing education to people.

I would say all of the attention is focused on marijuana. If we really want to worry about what is taking place, we should think about the people who are taking prescriptions and getting in their cars and driving in a way that they are impaired and not in full control of their faculties.

In some ways, perhaps this is an opportunity for us to focus on the broader issue because the marijuana bill is before us today. We should not lose sight of the fact that whether it is legal or illegal is not the issue. It is the issue of substance use and what happens when one is impaired and driving. We will give that full examination at the committee.

• (1725)

[*Translation*]

Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, a moment ago I was speaking with a colleague about a time in our country, a long time ago, when people drove while inebriated. If such a driver were stopped by the police, usually he would get into the police car and be taken home, quite politely; the next morning he would go and pick up his car. That was one way to avoid drunk driving, but it certainly did not encourage such individuals not to repeat the offence the next day or the next week.

That is why there were so many deaths and why so many people had such terrible experiences. There were lobbyists on the Hill today, some of them dairy farmers. One farmer from my riding who was here today reminded me that his brother, whom I knew well, too, had been killed in an accident about 10 or 12 years ago, when he and his wife were struck by a drunk driver. Nearly every family has been through this or knows someone who has. There were, sadly, too many victims like that in the past.

At one time, there was reason to wonder why the biggest parking lot in a village belonged to the bar or tavern. Even though drunk driving was not permitted, the business that sold the drinks that got people drunk had a big parking lot. There was a paradox in that, and perhaps it is still true in some cases. Nevertheless, society today has become much more aware of the problem. I am very happy that it is no longer acceptable to drive under the influence of alcohol.

I am coming back to what the hon. member for Vancouver East said, and I think she is right. She mentioned that many people imagine they can drive a vehicle after consuming prescription medication, for instance, that can have as detrimental effect as alcohol. And yet it is just as bad to cause a death or put someone else's life and health in danger whether the driver had three bottles of Labatt's 50 or four pills of some kind. The effects can be as serious in one case as the other.

We have before us today a bill concerning another form of impaired driving, dealing more specifically with those who drive after having used illegal drugs.

[*English*]

If we look at the existing situation, there are some situations that allow the police right now to do some work with testing when they are investigating drug impaired driving, but as we know this is only in limited circumstances. Of course if there is a voluntary participation in physical tests for drug impairment, the police may investigate along those lines. If the police demand a blood sample from a conscious driver based upon an alcohol demand, or if they obtain a voluntary alcohol test sample of blood, the Criminal Code does provide that the sample may be further analyzed for the presence of a drug even though the analysis was taken for the purpose of establishing whether or not there is alcohol.

However, there is no blood drug concentration offence in the Criminal Code. It would be necessary to call an expert scientific witness to explain what impaired driving symptoms can be linked to the particular concentration of the drug found in the blood and witnesses would be needed for the actual impaired signs that were observed.

Another provision of the Criminal Code authorizes the police to seek a warrant to have blood samples taken from a driver who is unconscious. The police officer must have reasonable grounds to believe that the person was committing an impaired driving offence and was involved in a fatal or injurious crash in the previous four hours. This is a very narrow situation that does not frequently occur.

• (1730)

It would mean that the police might have a passenger from the driver's vehicle who has given them information sufficient to seek a warrant. Generally, things being what they are, the person driving the car and the passenger are often known to each other, are often friends and so on, and it gets to be very difficult to get that kind of participation.

Another way the police might pursue a drug impaired driving investigation would be to obtain a search warrant to see the blood samples taken in the course of medical treatment. Again, this would depend on obtaining sufficient evidence from a witness who may have been with the accused when the drugs were consumed, not the ideal candidate to stool on the other guy, to put it mildly.

Government Orders

• (1735)

[*Translation*]

All the situations I mentioned are not an everyday occurrence, to say the least. In most cases, the police may suspect the presence of drugs in a driver's body, but they cannot investigate. It is therefore important to pass legislation to enable the police to demand physical tests and bodily fluids from suspected drivers, which will help make our roads safer.

That is what matters. We talked earlier about the finding in certain jurisdictions, certain provinces, that a disproportionately high percentage of accident victims and drivers involved in accidents have been using drugs.

In his great wisdom, the hon. parliamentary secretary reminded me that the bill before us enjoys the support of various groups in society. I have a bit of a problem with something the hon. member for Provencher said earlier in this House. On behalf of the Conservative Party, he told us he was prepared to pass this bill, if the one on decriminalization were withdrawn.

I tried to analyze all that, but I have a bit of a problem with the hon. member's remarks. Imagine a person who uses drugs and drives illegally. A person who is prepared to drive illegally does not care too much about the substance being legal when they are about to commit an illegal act. I fail to see the link. I think that tying one to the other does not work.

[*English*]

Mothers Against Drunk Driving have indicated, I have been informed, that they support the bill, whether or not the other bill is enacted. Therefore, I fail to understand why the hon. member for Provencher does not feel that the bill should be supported. It is a good measure to increase highway safety overall. I cannot see why any member would not want the bill to proceed in the House to increase the safety of the travelling public in Canada.

Some years ago we moved in very forceful ways, and it was about time, to strengthen the rules about drunk driving. Today, this is another phase of the same thing. It is driving under the influence of another product, but the effect can be equally serious, sometimes fatal, regrettably, and so on.

[*Translation*]

I hope that all my colleagues, on both sides of the House, will see fit to pass this bill, in spite of our differences of opinion, in certain instances, on the bill on the decriminalization of marijuana. This is a bill that was discussed earlier today in the House.

[*English*]

Mr. Randy White (Abbotsford, CPC): Mr. Speaker, I do not know where the hon. member opposite was coming from when he said that we were not supporting the bill. Actually, we are supporting Bill C-16. We believe that something must be done with impaired drug and drunk driving.

The difficulties members in the House have is the fact that these bills are put in but not well thought out. Bill C-17, the marijuana bill, is exactly that. It is not well thought out at all. This bill proposes to support training police officers and spending around \$11 million on

them. The government wants enough police officers out there on the road to be able to detect drug and drunk driving.

The fact of the matter is there are not going to be enough trained police officers. In fact, the government says that by 2008 there will be several hundred trained which is ridiculous given that the marijuana bill is coming in 2004. It is issues like that where the government seems to be throwing in the bill on drug and drunk driving detection in order to take a little bit of the heat off of the decriminalization of marijuana bill. However, that being said, I can certainly live with any legislation that gives authority to police to determine whether a person is under the influence while behind the wheel.

We have gone so far today with drunk driving that problems have been created as a result. When drunk drivers hit somebody, they take off from the scene of the accident because they are fearful of staying at the scene of the accident and getting a drunk driving charge. More and more hit and run is increasing. That is why we have Carley's law coming to the House again in order to deal with those individuals who try to get away from drunk driving charges and leave the scene of an accident, leaving someone injured or dead.

Regarding Bill C-16, drivers suspected of being under the influence of a drug will by law this time have to submit to a roadside assessment test administered by a police officer. That is a good thing. The problem is that there is actually no roadside assessment test available today to determine whether an individual is under the influence of drugs. So it is one thing to say it; another thing to do it.

The government must commit to get the roadside assessment test in place promptly because we are dealing with the decriminalization of marijuana now. If drug impairment is suspected the individual must be detained at a police station and submit to another drug impairment assessment and a sample of bodily fluids may be taken for testing. That is a good move. The penalties for failing to submit to drug impairment would be equivalent to the penalties currently in place for failing to submit to an alcohol breathalyzer test. That too is good.

I can attest that we are now strengthening drug impaired driving investigations and we are on the right track. However, police officers have many concerns. I was talking to one of the senior police chiefs of one of our largest cities just before I came into the House. He said that it was one thing to try to get tests going which are not done yet and to train their officers, which will require a lot of money, but what are we going to do when we find a person that is under the influence? They are not paying fines today for speeding. How are we going to collect the drug driving penalties? Are we going to be chasing these people just as much as we chase speeders and try to get them to pay their fines? These are some of the many questions the police have on how this will be administered.

Government Orders

We have to deal with those issues in committee. In the meantime, let us not lose sight in Canada that this drug driving legislation, Bill C-16, and the decriminalization Bill C-17 are but two small parts of the problem that exists in drugs in this country.

● (1740)

I have said this and I do not know how many times in the House of Commons over the last five or six years, we have an epidemic in the country. It is drug addiction. We have bad people making a lot of tax free dollars from selling drugs to young people. We have new drugs coming on the market every day. Crystal meth is a serious problem. It is made in basements and in garages.

There are a lot of kids addicted to crystal meth, cocaine and heroin, and methadone, in fact. We have a serious drug problem. The government cannot afford today to tinker with bills that deal with decriminalization of marijuana and yet ignore, on the other hand, the terrible addiction that is taking place and underfunding things like rehabilitation, spending hardly anything relative to many other things in the country, advertising and education of young people.

There is such a thing as a national drug strategy. I know that the government is saying it has one. The fact is we do not. The health department is going around the country now getting focus groups in to talk about what should be in a national drug strategy. We cannot tinker with a system as large as drug addiction and just play with decriminalization of marijuana or drug impaired driving. I think it only stands to reason, and anybody who thinks they can, is sadly mistaken.

I have countless attestations from people who are addicted. They say marijuana got them into it. They have a hundred dollar a day habit. I recently talked to a young lady who has a \$300 a day habit. She lives and breathes just to get enough money to get another shot.

While we in the House of Commons are talking about drug and drunk driving and decriminalization of marijuana, there are a lot of catastrophic issues and cases out on our streets. There are parents who do not know where their children are. There are young people trying to sell their bodies to raise enough money to get their next shot. There are bad guys out there stealing us blind and selling drugs to our kids.

For goodness sake, I will say it again, it is irresponsible and reprehensible of the House of Commons to be dealing with just one small aspect of drug addiction. Decriminalization of marijuana, yes, we can deal with it, but for goodness sake, members must get their heads out of the sand.

There are people watching this all across Canada right now saying "My child is addicted and these people are talking about decriminalization of marijuana and drug and drunk driving. Where is the common sense?" While we must deal with these two issues, we must also deal with the important big picture.

I have spent a lot of time with people who are addicted and a lot of time with parents who have children who are addicted. They are hoping that we in the House of Commons have the responsibility and the common sense to deal with some of these things. Please, let us not forget that our country, our parents and our young people need us to deal with drug addiction in totality, not just decriminalization of marijuana and not just drug and drunk driving.

● (1745)

Hon. Hedy Fry (Parliamentary Secretary to the Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I am pleased to rise to speak to the motion to send the bill on drug-impaired driving to committee.

Bill C-16 is an integral part of the national drug strategy. It is an important part of the continuum of education, public awareness, treatment, harm reduction, and enforcement. This is one of the enforcement pieces that makes sure that continuum actually works. This legislation dovetails very nicely with the bill on marijuana that we have recently brought in. It is part of showing that nothing should be cherry-picked or taken on its own. It is part of an overarching strategy and plan.

There are some people who take a lot of relief from seeing that the number of deaths on our roads due to alcohol-impaired driving have dropped dramatically over the past twenty-some years, but I believe that so much more remains to be done to eliminate alcohol-impaired driving that we should not be heaving any sigh of relief at this point.

In public surveys the Traffic Injury Research Foundation has found that hundreds of thousands of drivers, representing some 6% of all drivers, make about five million alcohol-impaired driving trips each year. About 84% of all impaired driving trips are made by only 3% of all drivers. We are talking about a group of people who are in fact abusers of the drug alcohol.

This percentage sounds small, but it represents hundreds of thousands of drivers who put themselves, their passengers, and third party road users at risk. In road fatalities where there is at least one drinking driver, the drinking drivers and their passengers comprise the vast majority of fatalities. Often enough, fatal alcohol crashes are single-vehicle crashes.

We have far less information with regard to drug-impaired driving than we do with alcohol, but studies have shown that drivers using drugs are disproportionately represented in fatal crashes. We also hear of young people in Ontario who drive more often after using cannabis than they do after using alcohol. It is good that they are getting the message about not drinking and driving, but the news that they are driving after using drugs is alarming in the extreme. We also hear of drivers who combine cannabis and alcohol, as well as other drugs, and who have an even greater risk of crashing.

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It is surprising that people take these risks while intoxicated by drugs or alcohol. Public education messages from government, organizations such as Mothers Against Drunk Driving, traffic safety organizations, police, health authorities, and educators are so prevalent that it is absolutely impossible to believe that there is a driver in Canada who is unaware of these messages.

Because these impaired drivers are still out there, it is important for members of this House to help the police where legislation can help. The drug-impaired driving amendments that are proposed in this bill could go a long way toward giving police officers the kinds of tools they need.

Sometimes the police may find someone driving who seems impaired, but the alcohol concentration is low on the breathalyzer test. The police have no ability to lay a charge, under paragraph 253 (b) of the Criminal Code, of driving while over the legal limit. Given the low reading on the breathalyzer, they may be reluctant to trust their own assessment of the impairment and lay a charge of impaired driving under paragraph 253(a) of the Criminal Code.

Having training that relates to the observation of symptoms of impairment could help police officers to make better observations, not only of drug impairment but also of alcohol impairment, in order to strengthen the case where drugs and alcohol in combination are causing the impairment but the alcohol is only at a very low level.

The proposed amendments do not create a new offence of drug-impaired driving. That offence is already in the Criminal Code, and it carries serious penalties. When the drug-impaired driving causes bodily harm, the maximum penalty is equal to that for manslaughter and criminal negligence causing death.

This proposed legislation would give police officers the authority to demand roadside physical tests, more precise tests at the police station, and a bodily fluid sample. If all these elements align, then a prosecution could proceed.

At the present time, the police can only do physical tests if they have a suspect who voluntarily agrees. Surprisingly, there are many who do voluntarily agree; but not surprisingly, the police are often stopped short in their investigation because impaired drivers do not agree to have the test done.

The training that the police receive relating to drug recognition evaluations can help them in other ways when it comes to ruling out alcohol and drugs as causing impairment.

• (1750)

In policing the roadways or in dealing with persons who are arrested, the trained officer may conclude that medical attention is needed and that there is no drug or alcohol impairment. So there is another part of giving the police these kinds of training and skills.

It is interesting to note that even if a person has taken a drug, they may not be impaired by the amount they have taken, or the impairing effects may have worn off. This proposed legislation addresses drivers who are actually impaired by a drug. A certain threshold that attracts suspicion must be reached before the police can make a demand. If the investigation determines that the person is not impaired, then there will be no charge.

This bill, as I said earlier, shows the government's commitment to deliver reforms to drug-impaired driving as an adjunct to its cannabis reform. I note that a consultation document on drug-impaired driving in the fall of 2003 incorporated discussions among federal, provincial, and territorial officials, and that the comments received from the consultation helped to inform the bill that was tabled as Bill C-32 on drug-impaired driving in the previous Parliament. Of course the drug-impaired driving bill is not limited to cannabis; it addresses all drugs and impaired driving.

It is important to note that independent of the proposed cannabis reform, the drug-impaired driving amendments are necessary, and they should proceed independently. That is precisely why they are in their own bill and not subsumed in another bill, even though they are related.

There are some people who believe that demanding a set of physical tests from a suspect is an intrusion on liberty, but I would remind anyone who thinks this that the police are not on a fishing expedition. They are required to have a threshold of suspicion before making a demand for the physical tests. The drug recognition evaluation officer must have a reasonable belief that a drug-impaired driving offence has occurred prior to demanding these tests, and only when the evaluation officer identifies a class of drugs is there a demand for a bodily sample.

I would like to support this bill. It is a good bill. It gives the police the kind of training that they need to become good drug evaluation officers on the street, and it does not infringe upon the liberties of people on whom that demand is being made.

• (1755)

Mr. Myron Thompson (Wild Rose, CPC): Mr. Speaker, I don't know why it is, I guess it's just my luck that whenever I get up to speak it always follows a speech from a Liberal who just amazes me on these kinds of issues, one who says the government has been committed and is committed to doing the right thing.

Right off the bat, I want the Speaker to know that I agree with this bill, but where was the member in the eighties, when there were people dying on the highways and they knew darned well it involved drugs? This kind of thing has been going on for ages. All of a sudden, in the year 2004, we want to do something about it.

There has been a huge commitment in the country. It is something the Mothers Against Drug Driving have been calling for a long time. It is something the police departments have been calling for for quite some time. Now we have heard another one of these kinds of speeches. Really, it irritates me to think that the member has been here for as long as I have, and possibly longer, and finally has come to the point where she can get up and glorify the wonderful government and talk about how they are going to address this terrible issue, which has been going on for ages. Where do they come from? It is really a puzzling part for me.

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Only about two hours ago I was asked to speak to a bill about decriminalizing marijuana. They can say what they want, but when we decriminalize marijuana it is going to kill any deterrent for a lot of people where it once existed. If the fact is that they are not going to get a criminal record for using marijuana, I believe it will certainly encourage younger people to maybe do some things with marijuana that they never thought about in the past because they were afraid of getting a criminal record. It was a deterrent, but now we want to decriminalize it, so it might encourage them.

Two hours ago we were talking about a bill that will probably encourage the use of marijuana by our young people. I am sure it will, and I think a lot of people would agree with me. Then we turn around and suddenly find a miracle bill to deal with it because we know it is going to get worse. It has been bad for a long time. We have tried to bring it to the attention of the House a number of times. I had a private member's bill once on behalf of victims.

One set of parents lost a beautiful daughter at age 16. She was run into from behind when she was trying to make a turn off a highway, signalling and everything. All the fire and police department members who were there said there was no indication of any alcohol, but they were quite certain that the driver of the other vehicle was under the influence of drugs, just from the way he was acting. He was driving a huge vehicle, which literally stomped out the little car that smashed the girl to death.

Nobody could do anything about that. Their hands were tied. There was no alcohol, but there was evidence about the existence of drugs in the person who caused the accident. There was nowhere to turn.

That was over ten years ago. I brought the private member's bill in here in 1993 with the hope it would attract some attention in the House, that maybe we ought to look at the possibility of testing drivers who could be under the influence of something other than liquor.

Now, 12 years later, in 2004, I hear a wonderful speech from one of the Liberal members, who all of a sudden has seen the light about bringing in this bill, which I am going to support, and doing it right behind a bill that in my view, and I am sure in the view of others, is going to encourage the use of marijuana.

We might find the odd 17-year-old or 16-year-old who maybe thought about using marijuana but said that they did not want to take a chance because they might get a criminal record. But guess what? We are talking about a 30-gram bag; if we keep it under that, you wouldn't get a criminal record. Does that not sound a little encouraging, rather than discouraging?

We are presenting a bill on one hand that is going to encourage more people to maybe think about using marijuana, and on the other hand we are going to strengthen a bill that is going to make sure that we get them when they start using it and then driving.

● (1800)

Something is wrong with that picture. Bill C-16 should have been introduced without Bill C-17, which could wait quite some time. Bill C-16 should have been brought in a long time ago, but it needs to be strengthened.

We need to start thinking about is how we will provide the tools to police officers so they can detect those people who offend while driving under the influence of any kind of a drug. I hope we do this at committee and in the future when we discuss this bill.

We are quite certain that it will take a lot of training. That training will come from police officers who will train other police officers. From where will these police officer come? They will probably come from the detachments we have in every riding, which are shorthanded now. These detachments need more men and women on the force, but they are not getting them. Now we will take more out of the detachments to do the training. That is fine because we need the training. However, to bring in more police officers and expand the force to some degree will cost money. The government does not know if it can afford that.

I have news for the government. It can afford it. Scrap the useless gun registry for crying out loud and direct that money to training police officers. It should do some training of police officers that will really help save lives and protect society, instead of spending more money on gopher shooters and duck hunters. The government is spending millions of dollars every day on something that as far as I know has not saved a life. I can guarantee that we have lost a lot more lives on the highways due to the influence of some sort. We know it is true for alcohol. We could all bet our last dollar that it is true for drugs.

In my view that would seriously attack the problem. That doing what needs doing. We will pass this bill in 2004. We will try to get the bill through the Senate and it will become law. We hope the Senate will put its stamp of approval on the bill. However, the police force will not be ready. Police officers will be pulled in from everywhere and police will be training police. They will learn more and more. The government will get to spend more money on research as well to ensure it gives them all the tools and the best equipment it can so they do a good job.

This should have been done a long time ago. The government knows this has been a problem. Mothers Against Drunk Driving have been telling the government for years that it is a problem. The police departments have been telling the government for years that it is a problem. Lo and behold we get a wonderful glowing speech from the member across who ought to know better. The Liberals have had opportunity after opportunity to do something about this.

Let us concentrate on getting the right things in place. Let us stop this nonsense about trying to bring in the decriminalization law when we do not even know what it will do. Has anyone really analyzed whether the decriminalization of marijuana will encourage its use? Do not forget it will take away a deterrent? We always talk about having to deter people from different things, and it is important to do this. However, does a bill that will decriminalize marijuana encourage its use? I really wonder if members have seriously thought about that.

Government Orders

I was a principal of a school for 15 years. I saw a number of students who were engaged in the activity of using marijuana. I had to work with them and their parents. Over those 15 years there was not one case where any good came from its use. I can name several cases that ended up in severe tragedy, death on the highway, death from suicide and further addictions. Some of those very kids today are on the streets in Vancouver addicted to the hilt.

No good has ever come out of its use. We have to get that through our heads. If we want to pass laws that encourage the use of marijuana, that is absolutely brainless. We should do everything we can to deter it, to stop it and to fight it.

I will support Bill C-16 because we want to get people who are under the influence of drugs off our roads. Let us do a better job of putting something in place that will get people prepared to do it the way it needs to be done, not go at it haphazardly without accomplishing what needs to be accomplished first.

• (1805)

Ms. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, I too am pleased to be here today to offer my support for what I believe is very important legislation. Drug impaired driving legislation is the first step in strengthening the enforcement of drug impaired driving offences.

However, I want to focus on a particularly important initiative which I think is as important as the legislation itself. That is the announcement of additional funding to train law enforcement officers in drug recognition expertise, DRE.

We have heard before that there is currently no roadside mechanism to detect drug impairment. DRE is the only recognized investigative tool to effectively enforce drug impaired driving in Canada. We have heard from the provinces and territories that they lack the capacity to train law enforcement officers in this technique.

We recognize that additional resources are required to ensure that officers are adequately trained to enforce the legislative initiative proposed in the bill. The \$7 million in new funding over the next three years will provide law enforcement officers with the necessary tools to detect drug impaired drivers on Canadian roadways. The additional resources will enhance the initial funding of \$910,000 provided through Canada's renewed drug strategy and \$4.1 million reallocated from within the RCMP to the national DRE program.

The new funding to train law enforcement in DRE is a direct response to concerns raised by both the NDP and the Bloc Québécois when the former Bill C-32 was discussed in this House. We have heard much of that today. The funding also responds to other key stakeholders who expressed serious concerns about the lack of resources allocated to the problem of drug impaired driving including the law enforcement community, provinces, territories and Mothers Against Drunk Driving.

Funding for DRE training also reflects the Canadian Association of Chiefs of Police resolution which called for an integrated model of standardized field sobriety tests and DRE testing. Police officers in Quebec, B.C., Alberta, Ontario, Nova Scotia and my own Manitoba

who have been trained in DRE are already using these techniques. As well, the RCMP has begun rolling out its national DRE program.

The force recently established a national coordinator to work with provincial and territorial partners to identify DRE training needs and training capacity in their respective jurisdictions. The RCMP is also carrying out training initiatives to bolster the relatively small number of trainers and trained officers currently in Canada.

There are currently 1,794 police officers trained in standardized field sobriety tests, 106 officers are trained in drug recognition expertise and 31 are DRE instructors. With the new funding, we estimate that Canada will have some 3,522 officers trained in standardized field sobriety tests, 394 DRE trained officers and some 174 DRE instructors by 2007-08. This number of trained officers should be sufficient to carry out ongoing training as part of regular police operations.

By incorporating a train the trainer approach, the program addresses the issue of sustainability by building the necessary expertise and the capacity for long term training in the provinces, territories and municipalities. This will ensure that jurisdictions can continue to train others in DRE.

A small but important part of the new funding, about \$500,000, will be used for research and a comprehensive evaluation to examine both the implementation of DRE in Canada and its training effectiveness. This will allow us to ensure that law enforcement officers are trained adequately and effectively and that our efforts to stop drug impaired driving are as strong as they possibly can be.

The government wants to provide law enforcement with the powers and the necessary tools to remove drug impaired drivers from Canadian roadways. I would like to add that this initiative is a very good example of the cooperative efforts by many stakeholders including parliamentarians, the RCMP, the law enforcement community, provinces and territories. We support both the proposed legislative amendments and the additional resources for DRE training.

Supply

● (1810)

In short, this legislation and related funding is about saving lives by keeping impaired drivers off the roads. That is why I too am happy to support this legislation in the House today.

Hon. Marlene Jennings (Parliamentary Secretary to the Prime Minister (Canada—U.S), Lib.): Mr. Speaker, I am pleased to speak in favour of sending the drug impaired driving bill to committee. This bill, labelled Bill C-16, is an act to amend the Criminal Code, impaired driving, and to make consequential amendments to other acts.

The fact that the debate to refer the bill is taking place so soon after its tabling shows the commitment of the Liberal government to having the bill passed and in force as soon as possible.

[*Translation*]

Under the Criminal Code, the bill is intended essentially to enable a peace officer to require a person suspected of having drugs in his body undergo standardized field sobriety tests. If these indicate impairment, the police officer would also have the right to require the person to accompany him to the police station to undergo a series of tests administered by an expert in drug recognition in order to determine whether the apparent impairment is the effect of a drug.

[*English*]

Bill C-16 is a bill which has widespread support among Canadians and I believe in the House. I would urge all members of the House to support the bill when it comes to a vote, to send it to committee and have it adopted as quickly as possible. We need it, law enforcement wants it, Canadians want it, so let us do the right thing. Let us support it.

* * *

● (1815)

[*Translation*]

SUPPLY

OPPOSITION MOTION—FISCAL IMBALANCE

The House resumed from October 28 consideration of the motion.

The Acting Speaker (Mr. Marcel Proulx): It being 6.15 p.m., pursuant to order made Thursday, October 28, 2004, the House will now proceed to the taking of the deferred recorded division on the motion by the hon. member for Saint-Hyacinthe—Bagot concerning supply.

Call in the members.

● (1850)

(The House divided on the motion, which was agreed to on the following division:)

*(Division No. 6)***YEAS**

Members

Abbott
Allison
Anders
André
Asselin

Ablonczy
Ambrose
Anderson (Cypress Hills—Grasslands)
Angus
Bachand

Batters
Benoit
Bezan
Blaikie
Boire
Bouchard
Bourgeois
Broadbent
Brunelle
Carrie
Casey
Chatters
Christopherson
Cleary
Côté
Crowder
Cummins
Day
Deschamps
Desrochers
Doyle
Duncan
Finley
Fletcher
Gagnon (Québec)
Gallant
Gauthier
Goldring
Gouk
Grewal (Fleetwood—Port Kells)
Guergis
Hanger
Harris
Hearn
Hill
Jaffer
Johnston
Kamp (Pitt Meadows—Maple Ridge—Mission)
Kenney (Calgary Southeast)
Kotto
Laframboise
Lapierre (Lévis—Bellechasse)
Lavallée
Lemay
Lévesque
Lukiwski
Lunney
MacKenzie
Mark
Martin (Sault Ste. Marie)
McDonough
Ménard (Marc-Aurèle-Fortin)
Merrifield
Mills
Moore (Fundy Royal)
O'Connor
Oda
Penson
Picard (Drummond)
Poilievre
Prentice
Rajotte
Reynolds
Ritz
Sauvageau
Schellenberger
Siksay
Skelton
Sorenson
Stoffer
Thibault (Rimouski-Neigette—Témiscouata—Les Basques)
Thompson (New Brunswick Southwest)
Thompson (Wild Rose)
Toews
Tweed
Vellacott
Warawa
Watson
Yelich — 165

Bellavance
Bergeron
Bigras
Blais
Bonsant
Boulianne
Breitkreuz
Brown (Leeds—Grenville)
Cardin
Carrier
Casson
Chong
Clavet
Comartin
Crête
Cullen (Skeena—Bulkley Valley)
Davies
Demers
Desjarlais
Devolin
Duceppe
Faille
Fitzpatrick
Forseth
Gagnon (Jonquière—Alma)
Gaudet
Godin
Goodyear
Grewal (Newton—North Delta)
Guay
Guimond
Harper
Harrison
Hiebert
Hinton
Jean
Julian
Keddy (South Shore—St. Margaret's)
Komarnicki
Kramp (Prince Edward—Hastings)
Lalonde
Lauzon
Layton
Lessard
Loubier
Lunn
MacKay (Central Nova)
Marceau
Martin (Winnipeg Centre)
Masse
Ménard (Hochelaga)
Menzies
Miller
Moore (Port Moody—Westwood—Port Coquitlam)
Nicholson
Obhrai
Paquette
Perron
Plamondon
Poirier-Rivard
Preston
Reid
Richardson
Roy
Scheer
Schmidt (Kelowna—Lake Country)
Simard (Beaumont—Limoilou)
Solberg
St-Hilaire
Stronach
Tilson
Trost
Van Loan
Vincent
Wasylycia-Leis
Williams

Government Orders

NAYS

Members

Adams	Alcock
Augustine	Bagnell
Bains	Bakopanos
Barnes	Beaumier
Bélanger	Bell
Bennett	Bevilacqua
Blondin-Andrew	Boivin
Bonin	Boshcoff
Boudria	Bradshaw
Brison	Brown (Oakville)
Bulte	Byrne
Cannis	Carr
Carroll	Catterall
Chamberlain	Chan
Coderre	Comuzzi
Cotler	Cullen (Etobicoke North)
Cuzner	D'Amours
DeVillers	Dhalla
Dion	Dosanjh
Drouin	Dryden
Easter	Efford
Emerson	Eyking
Folco	Fontana
Frulla	Fry
Galloway	Godbout
Godfrey	Goodale
Graham	Guarnieri
Holland	Ianno
Jennings	Kadis
Karetak-Lindell	Karygiannis
Khan	Kilgour
Lapierre (Outremont)	Lastewka
Lee	Longfield
MacAulay	Macklin
Malhi	Marleau
Martin (Esquimalt—Juan de Fuca)	Martin (LaSalle—Émard)
Matthews	McCallum
McGuinty	McGuire
McKay (Scarborough—Guildwood)	McLellan
McTeague	Minna
Mitchell	Murphy
Myers	Neville
O'Brien (London—Fanshawe)	Owen
Pacetti	Paradis
Parrish	Patry
Peterson	Pettigrew
Phinney	Pickard (Chatham-Kent—Essex)
Powers	Proulx
Ratansi	Redman
Regan	Robillard
Rodriguez	Rota
Saada	Savage
Savoy	Scarpaleggia
Scott	Sgro
Silva	Simard (Saint Boniface)
Simms	Smith (Pontiac)
St. Amand	St. Denis
Steckle	Szabo
Telegdi	Temelkovski
Thibault (West Nova)	Tonks
Torsney	Ur
Valeri	Valley
Volpe	Wilfert
Wrzesnewskyj	Zed- — 128

PAIRED

Members

Anderson (Victoria)	Gagnon (Saint-Maurice—Champlain) — 2
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The Speaker: I declare the motion carried.

[English]

TILCHO LAND CLAIMS AND SELF-GOVERNMENT ACT

The House resumed from November 1 consideration of the motion that Bill C-14, an act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other acts, be read the second time and referred to a committee.

The Speaker: The House will now proceed to the taking of the deferred recorded division on the motion at second reading stage of Bill C-14.

● (1900)

[Translation]

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 7)

YEAS

Members

Adams	Alcock
André	Angus
Asselin	Augustine
Bachand	Bagnell
Bains	Bakopanos
Barnes	Beaumier
Bélanger	Bell
Bellavance	Bennett
Bergeron	Bevilacqua
Bigras	Blaikie
Blais	Blondin-Andrew
Boire	Boivin
Bonin	Bonsant
Boshcoff	Bouchard
Boudria	Boulianne
Bourgeois	Bradshaw
Brison	Broadbent
Brown (Oakville)	Brunelle
Bulte	Cannis
Cardin	Carr
Carrier	Carroll
Catterall	Chamberlain
Chan	Christopherson
Clavet	Cleary
Coderre	Comartin
Comuzzi	Côté
Cotler	Crête
Crowder	Cullen (Skeena—Bulkley Valley)
Cullen (Etobicoke North)	Cuzner
D'Amours	Davies
Demers	Deschamps
Desjarlais	Desrochers
DeVillers	Dhalla
Dion	Dosanjh
Drouin	Dryden
Duceppe	Easter
Efford	Emerson
Eyking	Faillie
Folco	Fontana
Frulla	Fry
Gagnon (Québec)	Gagnon (Jonquière—Alma)
Galloway	Gaudet
Gauthier	Godbout
Godfrey	Godin
Goodale	Graham
Guarnieri	Guay
Guimond	Holland
Ianno	Jennings
Julian	Kadis
Karetak-Lindell	Karygiannis
Khan	Kilgour

Government Orders

Kotto	Laframboise
Lalonde	Lapierre (Outremont)
Lapierre (Lévis—Bellechasse)	Lastewka
Lavallée	Layton
Lee	Lemay
Lessard	Lévesque
Longfield	Loubier
MacAulay	Macklin
Malhi	Marceau
Marleau	Martin (Esquimalt—Juan de Fuca)
Martin (Winnipeg Centre)	Martin (LaSalle—Émard)
Martin (Sault Ste. Marie)	Masse
Matthews	McCallum
McDonough	McGuinty
McGuire	McKay (Scarborough—Guildwood)
McLellan	McTeague
Ménard (Hochelaga)	Ménard (Marc-Aurèle-Fortin)
Minna	Mitchell
Murphy	Myers
Neville	O'Brien (London—Fanshawe)
Owen	Pacetti
Paquette	Paradis
Parrish	Patry
Perron	Peterson
Pettigrew	Phinney
Picard (Drummond)	Pickard (Chatham-Kent—Essex)
Poirier-Rivard	Powers
Proulx	Ratansi
Redman	Regan
Robillard	Rodriguez
Rota	Roy
Saada	Sauvageau
Savage	Savoy
Scarpaleggia	Scott
Sgro	Siksay
Silva	Simard (Beauport—Limouilou)
Simard (Saint Boniface)	Simms
Smith (Pontiac)	St-Hilaire
St. Amand	St. Denis
Steckle	Stoffer
Szabo	Telegdi
Temelkovski	Thibault (Rimouski-Neigette—Témiscouata—Les
Basques)	
Thibault (West Nova)	Tonks
Torsney	Ur
Valeri	Valley
Vincent	Volpe
Wasylycia-Leis	Wilfert
Wrzesneskyj	Zed— 198

NAYS

Members

Abbott	Ablonczy
Allison	Ambrose
Anders	Anderson (Cypress Hills—Grasslands)
Batters	Benoit
Bezan	Breitkreuz
Brown (Leeds—Grenville)	Carrie
Casey	Casson
Chatters	Chong
Cummins	Day
Devolin	Doyle
Duncan	Finley
Fitzpatrick	Fletcher
Forseth	Gallant
Goldring	Goodyear
Gouk	Grewal (Newton—North Delta)
Grewal (Fleetwood—Port Kells)	Guergis
Hanger	Harper
Harris	Harrison
Hearn	Hiebert
Hill	Hinton
Jaffer	Jean
Johnston	Kamp (Pitt Meadows—Maple Ridge—Mission)
Keddy (South Shore—St. Margaret's)	Kenney (Calgary Southeast)
Komaricki	Kramp (Prince Edward—Hastings)
Lauzon	Lukiwski
Lunn	Lunney
MacKay (Central Nova)	MacKenzie
Mark	Menzies
Merrifield	Miller
Mills	Moore (Port Moody—Westwood—Port Coquitlam)

Moore (Fundy Royal)	Nicholson
O'Connor	Obhrai
Oda	Penson
Poillievre	Prentice
Preston	Rajotte
Reid	Reynolds
Richardson	Ritz
Scheer	Schellenberger
Schmidt (Kelowna—Lake Country)	Skelton
Solberg	Sorenson
Stronach	Thompson (New Brunswick Southwest)
Thompson (Wild Rose)	Tilson
Toews	Trost
Tweed	Van Loan
Vellacott	Warawa
Watson	Williams
Yelich— 93	

PAIRED

Members

Anderson (Victoria)

Gagnon (Saint-Maurice—Champlain)— 2

The Speaker: I declare the motion carried. Accordingly, the bill was referred to the Standing Committee on Aboriginal Affairs and Northern Development.

(Bill read the second time and referred to a committee)

* * *

● (1905)

[*English*]**CRIMINAL CODE**

The House resumed consideration of the motion.

The Speaker: The House will now proceed to the taking of the deferred recorded division on the referral to committee before second reading of Bill C-13.

Hon. Karen Redman: Mr. Speaker, if the House would agree, I would propose that you seek unanimous consent that members who voted on the previous motion be recorded as having voted on the motion now before the House. Liberal members will be voting in favour, except for those members who would like to be registered as having voted otherwise.

The Speaker: Is there unanimous consent to proceed in this fashion?

Some hon. members: Agreed.

Mr. Jay Hill: Mr. Speaker, Conservative members present this evening will be opposed to this motion.

[*Translation*]

Mr. Michel Guimond: Mr. Speaker, the members of the Bloc Québécois will vote in favour of this motion. We could apply this vote to Bill C-17 because the result is exactly the same.

Mr. Yvon Godin: Mr. Speaker, the members of the NDP will vote in favour of this motion.

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 8)

YEAS

Members

Adams	Alcock
André	Angus

Asselin
Bachand
Bains
Barnes
Bélanger
Bellavance
Bergeron
Bigras
Blais
Boire
Bonin
Boshcoff
Boudria
Bourgeois
Brison
Brown (Oakville)
Bulte
Cardin
Carrier
Catterall
Chan
Clavet
Coderre
Comuzzi
Cotler
Crowder
Cullen (Etobicoke North)
D'Amours
Demers
Desjarlais
DeVillers
Dion
Drouin
Duceppe
Efford
Eyking
Folco
Frulla
Gagnon (Québec)
Galloway
Gauthier
Godfrey
Goodale
Guarnieri
Guimond
Ianno
Julian
Karetak-Lindell
Khan
Kotto
Lalonde
Lapierre (Lévis—Bellechasse)
Lavallée
Lee
Lessard
Longfield
MacAulay
Malhi
Marleau
Martin (Winnipeg Centre)
Martin (Sault Ste. Marie)
Matthews
McDonough
McGuire
McLellan
Ménard (Hochelega)
Minna
Murphy
Neville
Owen
Paquette
Parrish
Perron
Pettigrew
Picard (Drummond)
Poirier-Rivard
Proulx
Redman
Robillard
Rota
Saada
Savage
Scarpaleggia
Sgro

Augustine
Bagnell
Bakopanos
Beaumier
Bell
Bennett
Bevilacqua
Blaikie
Blondin-Andrew
Boivin
Bonsant
Bouchard
Boulianne
Bradshaw
Broadbent
Brunelle
Cannis
Carr
Carroll
Chamberlain
Christopherson
Cleary
Comartin
Côté
Crête
Cullen (Skeena—Bulkley Valley)
Cuzner
Davies
Deschamps
Desrochers
Dhalla
Dosanjh
Dryden
Easter
Emerson
Faille
Fontana
Fry
Gagnon (Jonquière—Alma)
Gaudet
Godbout
Godin
Graham
Guay
Holland
Jennings
Kadis
Karygiannis
Kilgour
Laframboise
Lapierre (Outremont)
Lastewka
Layton
Lemay
Lévesque
Loubier
Macklin
Marceau
Martin (Esquimalt—Juan de Fuca)
Martin (LaSalle—Émard)
Masse
McCallum
McGuinty
McKay (Scarborough—Guildwood)
McTeague
Ménard (Marc-Aurèle-Fortin)
Mitchell
Myers
O'Brien (London—Fanshawe)
Pacetti
Paradis
Patry
Peterson
Phinney
Pickard (Chatham-Kent—Essex)
Powers
Ratansi
Regan
Rodríguez
Roy
Sauvageau
Savoy
Scott
Siksay

Silva
Simard (Saint Boniface)
Smith (Pontiac)
St. Amand
Steckle
Szabo
Temelkovski
Basques)
Thibault (West Nova)
Torsney
Valeri
Vincent
Wasylycia-Leis
Wrzesnewskyj

Government Orders

Simard (Beauport—Limoilou)
Simms
St-Hilaire
St. Denis
Stoffer
Telegdi
Thibault (Rimouski-Neigette—Témiscouata—Les
Tonks
Ur
Valley
Volpe
Wilfert
Zed- — 198

NAYS

Members

Ablonczy
Ambrose
Anderson (Cypress Hills—Grasslands)
Benoit
Breitkreuz
Carrie
Casson
Chong
Day
Doyle
Finley
Fletcher
Gallant
Goodyear
Grewal (Newton—North Delta)
Guergis
Harper
Harrison
Hiebert
Hinton
Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)
Kenney (Calgary Southeast)
Kram (Prince Edward—Hastings)
Lukiwski
Lunney
MacKenzie
Menzies
Miller
Moore (Port Moody—Westwood—Port Coquitlam)
Nicholson
Obhrai
Penson
Prentice
Rajotte
Reynolds
Ritz
Schellenberger
Skelton
Sorenson
Thompson (New Brunswick Southwest)
Tilson
Trost
Van Loan
Warawa
Williams

PAIRED

Members

Anderson (Victoria)

Gagnon (Saint-Maurice—Champlain)- — 2

The Speaker: I declare the motion carried. Accordingly the bill stands referred to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness.

Government Orders

(Bill referred to a committee.)

* * *

[*English*]

CONTRAVENTIONS ACT

The House resumed consideration of the motion.

The Speaker: The House will now proceed to the taking of the deferred recorded division on the referral to committee before second reading of Bill C-17.

Is there unanimous consent that the vote on the previous motion be applied to this motion as suggested by the whip of the Bloc Québécois?

Some hon. members: Agreed.

Mr. Paul Steckle: Mr. Speaker, I rise on a point of order. I would like to be recorded on Bill C-17 as opposing this motion.

Mr. Paul Szabo: Mr. Speaker, I would like to be recorded as being opposed to Bill C-17.

Hon. Karen Redman: Mr. Speaker, I would like to point out to the House that because we are applying this vote, the member for Scarborough—Agincourt has absented himself from the chamber.

Hon. Andrew Telegdi: Mr. Speaker, I would like to be recorded as being opposed.

Hon. Brenda Chamberlain: Mr. Speaker, I would like to be recorded as being opposed.

Mr. John Cannis: Mr. Speaker, I would like to be recorded as being opposed.

[*Translation*]

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 9)

YEAS

Members

Adams	Alcock
André	Angus
Asselin	Augustine
Bachand	Bagnell
Bains	Bakopanos
Barnes	Beamier
Bélangier	Bell
Bellavance	Bennett
Bergeron	Bevilacqua
Bigras	Blaikie
Blais	Blondin-Andrew
Boire	Boivin
Bonin	Bonsant
Boshcoff	Bouchard
Boudria	Boulianne
Bourgeois	Bradshaw
Brisson	Broadbent
Brown (Oakville)	Brunelle
Bulte	Cardin
Carr	Carrier
Carroll	Catterall
Chan	Christopherson
Clavet	Cleary
Coderre	Comartin
Comuzzi	Côté
Cotler	Crête
Crowder	Cullen (Skeena—Bulkley Valley)
Cullen (Etobicoke North)	Cuzner
D'Amours	Davies

Demers
Desjarlais
DeVillers
Dion
Drouin
Duceppe
Efford
Eyking
Folco
Frulla
Gagnon (Québec)
Galloway
Gauthier
Godfrey
Goodale
Guarnieri
Guimond
Ianno
Julian
Karetak-Lindell
Kilgour
Laframboise
Lapierre (Outremont)
Lastewka
Layton
Lemay
Lévesque
Loubier
Macklin
Marceau
Martin (Esquimalt—Juan de Fuca)
Martin (LaSalle—Émard)
Masse
McCallum
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The Speaker: I declare the motion carried. Accordingly the bill stands referred to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness.

(Bill referred to a committee.)

* * *

● (1910)

MESSAGE FROM THE SENATE

The Speaker: I have the honour to inform the House that a message has been received from the Senate informing this House that the Senate has passed certain bills, to which the concurrence of the House is desired.

[*English*]

Pursuant to order made Thursday, October 28, 2004, the House shall now resolve itself into committee of the whole to consider Government Business No. 3.

[*Translation*]

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

[*For continuation of proceedings see Part B*]

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CANADA

House of Commons Debates

VOLUME 140 • NUMBER 020 • 1st SESSION • 38th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

**Tuesday, November 2, 2004
(Part B)**

—

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, November 2, 2004

[Continuation of proceedings from part A]

GOVERNMENT ORDERS

•(1915)

[English]

ASSISTANCE TO HEPATITIS C VICTIMS

(House in committee of the whole on Government Business No. 3, Mr. Strahl in the chair)

Hon. Tony Valeri (Leader of the Government in the House of Commons, Lib.) moved:

That this Committee take note of assistance to victims of Hepatitis C.

Hon. Ujjal Dosanjh (Minister of Health, Lib.): Mr. Chair, this is the first opportunity I have had since becoming Minister of Health three months ago to formally address this honourable House. I must say that I am very pleased that it is on an issue of such importance. I am doubly pleased and impressed that hon. members have decided to come together to share ideas on the complex and emotional issue of hepatitis C in a non-partisan fashion.

For as long as I have been in public life it has been my view that we the elected legislators do our job best and Canadians are best served when we reason together constructively and respectfully. This is even more so when an issue is tough, when it evokes strong passions and when, as in the case of the suffering of victims who have been infected with hepatitis C through the blood system, it appeals on so many levels to that basic human compassion and decency which I know motivates all members in the House. This is the attitude that I bring to all of my duties as Minister of Health for Canada and it is the attitude that will shape my comments this evening.

As I said, I have been Minister of Health for a very short time but in that short time the issue before us tonight has impressed me deeply. I have heard from Canadians who have contracted hepatitis C through the blood supply. I have also heard from family members who have been touched by this tragedy and who are providing day to day support to their loved ones. It is hard not to be moved by their experiences and by their courage in moving forward.

This House has long been engaged on this issue, so I will not repeat all of the facts surrounding it, but I will say that from the very beginning our government has been moved both by compassion and a clear desire to help those in need. That is why since 1998 we have committed approximately \$1.4 billion for compensating and assisting people infected or affected with hepatitis C. Of this

amount, our government has allocated \$875 million to a trust fund that is fulfilling our financial obligations to victims under the 1986 to 1990 hepatitis C settlement agreement.

When added to the funds contributed by the provinces and territories, financial assistance in the amount of \$1.1 billion to thousands of victims was announced. By working collaboratively and collectively with provincial and territorial governments and the lawyers for the class action plaintiffs, we were able to reach a settlement agreement that was approved by the Superior Court of Justice of Ontario, the Supreme Court of British Columbia and the Cour Supérieure du Québec.

This agreement is administered by a third party appointed by the courts. As of October 1, 2004 approximately \$387 million in benefits have been paid from the fund. However, it is important to remember that payments to beneficiaries may continue for up to 70 years to new claimants who have until 2010 to apply and for continuing payments to those who have already qualified. Therefore, no one should think the books are closed on those payments or on the response to the needs of these individuals.

That brings me to the situation of those Canadians who contracted hepatitis C prior to 1986 and after mid-1990 through the blood system. The federal government has been mindful of their plight and in response we have committed \$525 million to a comprehensive hepatitis C package for Canadians. The largest portion of this money, some \$300 million over 20 years, is going to the provinces and territories to ensure that people who contracted hepatitis C through the blood system outside the 1986 to 1990 period will have reasonable and ongoing access to appropriate hepatitis C treatment and care, such as drugs, immunizations and nursing care. The remainder was set aside to help track victims, for research and to enhance the safety of the blood supply to prevent future tragedies.

The possibility of a potential surplus in the trust fund used to compensate the 1986 to 1990 victims has led members of the House from all parties, advocacy groups and the media to ask whether such a surplus could be used to extend assistance to all hepatitis C victims, including those outside the 1986 to 1990 window.

Speculation about a surplus has been fuelled by the fact that the number of claimants anticipated in the 1986-1990 agreement has to date been lower than originally forecast, as well as the fact that advances in treatment have reduced the number of claimants requiring additional assistance.

Government Orders

I am pleased to reiterate to hon. members that our government is open to looking at the idea of using a potential actuarial surplus to assist claimants outside the 1986-1990 window. During the June election campaign the Prime Minister publicly stated that he was open to this idea. I have said as much both inside and outside the House.

However, it is very important to remember three salient facts. First, it is critical that the existence of a surplus in the fund is assessed and validated given that, as I mentioned earlier, there continue to be new claimants and the fund must have resources available to support beneficiaries over their lifetime. Second, the trust fund does not belong to the government. It belongs to the beneficiaries of trust subject to the court's discretion. Third, it will be up to the courts and the courts alone to determine whether a surplus exists. This determination will be made in June 2005.

A decision to share the trust fund would require the agreement of the current beneficiaries, their lawyers, along with the provinces and territories, as well as the courts. I want to make it clear that the cabinet is considering this issue. We are assessing the facts, the potential of changed circumstances, and our options for proceeding, because proceed we must.

We are mindful of the recent unanimous resolution of the Standing Committee on Health which called for compensation outside the 1986-1990 window. We also need and welcome the input of all parliamentarians because that would provide us with wisdom, experience and knowledge so that we can proceed further.

• (1920)

The Chair: At the start of this debate, so that we are clear on how we are going to proceed this evening, this is committee of the whole. There are 10 minutes for the initial speech, 10 minutes for questions and comments, and any members who wish to divide their time may do so by stating as such at the start of questions.

[*Translation*]

The honourable member for Hochelaga.

Mr. Réal Ménard (Hochelaga, BQ): Mr. Chair, I thank the minister for the open-mindedness he has shown. Speaking for all my colleagues in the Bloc Québécois, I would certainly like to tell him that whatever form of collaboration is decided upon, we will be ready to take part.

I have two questions to ask him. Since the Krever inquiry there have been five health ministers. I believe that carrying out the first recommendation of the Krever commission would truly be very generous of him and that it would be worth his while to be the minister who got it done. It is a true challenge and he is up to it. I know he will have the cooperation of all members of this House.

Can he tell us exactly how many people have received their claims, as of this moment? The information we have as an opposition party is that nearly \$400 million has been spent to date and some 7,000 people have received compensation, although the government was supposed to compensate 22,000 of them.

Can he bring us up to date on this matter? I point out that we have some people in the gallery today from the Canadian Hemophilia Society.

[*English*]

Hon. Ujjal Dosanjh: Mr. Chair, I do not have the exact numbers. I can say that benefits have been paid to the tune of \$387 million. The numbers in terms of the payments are much smaller than anticipated. That is one of the facts that has led us to reconsider this issue. That is one of the changed circumstances that I alluded to. I would be happy to share the numbers with the hon. member. Obviously he wants to have them.

I have just been handed a piece of paper that says there have been over 9,000 claimants and payments have been made of \$388 million.

Mr. Réal Ménard: Including the families?

Hon. Ujjal Dosanjh: I believe, yes, including the caregivers.

Mr. Steven Fletcher (Charleswood—St. James—Assiniboia, CPC): Mr. Chair, I am glad we are having this debate this evening. In the minister's comments he said that it was the surplus that has allowed us to reconsider this. I would like to remind the minister that it is actually the principle, which the Conservative Party has brought to this issue, that the government has an obligation to compensate these people, surplus or no surplus.

The government has known there has been a surplus for years. The fact is that there is a surplus and the government still has not done anything on this front. As a new member I am unfortunately very cynical in the sense that there is no reason, from the government's past actions, to believe that we would see the government follow through in compensating the victims.

I would like to ask the minister, what about the accountability regarding the funds that have already gone to the provinces that apparently went into general revenues?

• (1925)

Hon. Ujjal Dosanjh: Mr. Chair, let me answer the second question first.

With respect to the funds that have flowed to the provinces under the undertaking agreements which was the money set aside for care arrangements, not cash, about \$150 million has flowed to the provinces. Some provinces have to report by the end of this year, for instance, British Columbia. Other provinces have provided interim reports like Ontario. Their actual accountability report is due in 2007.

What I say on that issue, as I have said outside the House, is that if there are people who are aggrieved and injured, it is a very serious issue. If they are asking questions, then provinces should do everything within their power to ensure all of their questions are answered as to where those funds have gone and how they have been spent.

Those funds were earmarked for additional care, and for new and emerging needs of the hep C victims. I have said very clearly that we will seek accountability for the agreement, but nothing prevents them from being more accountable to their own citizens as they should be.

Government Orders

With respect to the first question, I must say that this has obviously been a very difficult issue. Let us not make any mistake about that. There have been strong feelings that have arisen on this issue because this issue is about human beings who have been injured and who have been hurt. We understand their pain but we could not feel it, obviously.

All of us came together. I was not here. Decisions were made, but they were made out of care and compassion, and out of the need to deal with this issue in a just and fair fashion. Circumstances have changed, but the issue of justice and compassion has always existed. Because of that concern that remained, we are looking at this issue.

What has assisted us in looking at this issue more so than otherwise is also the availability of the potential surplus. I agree that the potential surplus is not the motivating factor, as I said earlier. What motivates us all is our need and rationale to help those who need our help, as legislators and as government.

Hon. Bill Blaikie (Elmwood—Transcona, NDP): Mr. Chair, the minister seemed to indicate, and I was somewhat distressed, that he was going to have to wait until June 2005 for something to happen.

I wonder about two things. Is that a correct impression that I gathered, that the government does not intend to act until it receives the report in June 2005? It seems to me that time is of the essence for a lot of these people. They need to be compensated now because they are suffering now. They need care now. They need to offset the effects of their illness now, and so the sooner the better.

The minister said that it would be up to the courts to determine the surplus and the existing beneficiaries. Can the government not make a recommendation? Why can the minister not say tonight that this is what the government wants and it will do everything in its power? If that means recommending to the existing beneficiaries that they cooperate, we are going to make that recommendation. That is what we are going to say.

It seems to me that would give people more of an assurance if the minister could express that will to make it happen and then whatever has to be done, to make it happen. However, knowing that the will is there in the first place in a categorical way would be very helpful, it seems to me, for a lot of people.

Hon. Ujjal Dosanjh: Mr. Chair, the will and the determination are there. Let me explain my remarks and expand upon them. The reason we mentioned the court and the date of June 2005 is because that is the date the court will review the settlement agreement and the issue that we placed before it.

Between now and then the matter will go to cabinet. Cabinet will consider it. We will, once the cabinet has considered it, be speaking to the plaintiffs' lawyers with respect to the 1986-1990 window. We will also be speaking to the class action lawyers for pre-1986 and post-1990 class actions. We will then make a recommendation to the court, hopefully jointly, to make the actuarial surplus available for the needs of the victims prior to 1986 and post-1990.

Mr. Rob Merrifield (Yellowhead, CPC): Mr. Chair, I was intrigued by the minister's comments.

First, he said that the issue was very complex. To some degree that is true, but to some degree it is not complex and is very simple. It really boils down to an issue of fairness and compensating those who

were victimized through no fault of their own. One group from 1986-1990 was treated completely different from those outside that window.

Not only was it discriminatory for those individuals with hepatitis C outside that window, but those who were victimized by tainted blood and contracted HIV-AIDS were all compensated. They were completely outside that window and yet it was only hepatitis C victims between 1986-1990 who were compensated.

This is an issue of ultimate fairness and it goes against Canadian values and principles, that we treat people fairly and equitably. That is why in the Conservative Party we are so adamantly against the way in which the government treated hepatitis C victims for the last decade and so insistent that we follow the Krever inquiry. We looked at this for four years and came up with the recommendation that everyone outside that window should have been compensated.

We are looking at it and saying that we should consider the other victims because the fund is more than what we expected and the number of victims was not as great. We told the government many years ago that the numbers were false. I am a little suspect when the minister stands here and says cabinet is considering it. I think cabinet should do more than consider it.

Would the minister comment on what consideration, more than what I have just laid out, the cabinet would make in terms of compensation?

• (1930)

Hon. Ujjal Dosanjh: Mr. Chair, the cabinet will consider the kind of information and issues that I am talking about. I have been considering those issues. It has not gone to cabinet. Hopefully it will go very soon. I am trying to make it go very soon and cabinet is anxious to consider it.

That is why we agreed to have a take note debate. It is important for all hon. members on the opposite side to make their views known. I appreciate the views and I will obviously take these to cabinet.

Mr. Steven Fletcher (Charleswood—St. James—Assiniboia, CPC): Mr. Chair, I am pleased to be addressing the House tonight although I wish it did not have to be on this issue. I wish to point out four men in the gallery who fought for many years for tainted blood victims. I would like the House to recognize Mr. Jeff Rice—

The Chair: Order, please. It is improper to draw attention to the presence of anyone in the gallery. Please keep that in mind.

Mr. Steven Fletcher: Thank you, Mr. Chair.

There are people, who are close to us here today, who have gone a long way to ensure that the fight to open up the compensation fund to all victims has been pursued vigorously.

Government Orders

The fact that we are debating this subject tonight indicates that a major injustice was done against a group of people who needed the government's compassion like never before but who instead were spurned because of party politics, and that is a shame.

No words can capture the physical suffering and frustration the victims of tainted blood experience on a daily basis. Victims of hepatitis C suffer from very painful and exhausting physical symptoms that include extreme fatigue, cirrhosis of the liver, nausea, jaundice, and the list goes on. Besides the physical suffering, this, like all illnesses, has a dramatic effect on the lives of the family members who must take the steps necessary in their lives to accommodate the sick members in their family.

However, aside from the physical pain that these people experience, there is another pain that eats away at their self-worth and their value as a human being, and that is the pain of a decision made by the government several years ago to shut pre-1986 and post-1990 victims of hepatitis C from tainted blood out of the compensation fund.

Victims wanted to know why they were left out and what they did to deserve that, but only the government could give them those answers. Instead the government denied closure for these victims and only provided pathetic excuses.

Why were they shut out and why have they still been shut out? It makes no sense to me. The money is there. The compensation fund actually made money on interest this past year. The public supports these victims. In fact the vast majority of Canadians feel that these victims have been treated badly by the government and deserve to be compensated due to the harm that the government caused them.

What is not there is the political will of the Liberal government. The government has strong-armed its members into turning their backs on the victims of tainted blood. Everyone could plainly see this when the opposition motion to compensate hepatitis C victims from tainted blood was defeated by the Liberals.

Some Liberal members were forced to vote against it with tears in their eyes, knowing full well the harm that they were causing the victims who remained outside the compensation window. They knew what they were doing was wrong and they have had to live with themselves ever since. These are good people on the other side of the chamber, but they were forced to vote against their own conscience. That is the kind of government we have. What a disgrace.

The point I just made strikes at the heart of the issue. The leadership of this Liberal government did not have the courage to support the opposition motion in 1998. The former prime minister was so afraid that he would lose the vote that he put the career of each one of his members on the line and made the motion a motion of confidence. They were afraid that if the opposition motion won in the House they would lose popular support among Canadians and drop in the polls.

The only concern of the government is the polls. Instead of doing what is right for Canadians it is concerned about doing what is popular and what will get it re-elected. There is no other explanation.

This government has had seven years to explain to hepatitis C victims why they were not included in the compensation agreement and yet it has refused to do so. Year after year it has refused to do the right thing. It would rather see people suffer day in and day out.

It is not the Canadian way. I am a compassionate Conservative and my party is a compassionate party. When my party is in government, we will continue the Canadian tradition of helping those who are less fortunate.

Why is it that the Liberal government stubbornly refuses to take responsibility and look after those it has wronged? The Liberal Party is a party that supposedly bleeds Canadian values and wraps itself in the flag come election time but once elected refuses to live up to its commitments and responsibilities.

As the hepatitis C issue demonstrates, the government stands for values that are not Canadian values. This is unacceptable. The government should take a long, hard look at itself in the mirror some day and recognize the hurt and pain that it has caused the poor victims.

• (1935)

I receive letters and e-mails from people who have been stricken with this awful sickness. I do not know them and they do not know me but they have opened their hearts to tell me their stories of how difficult it is to live with hepatitis C. One person told me they had to sell their house and move out of town because they could not keep up with the drug costs and the expense of the constant trips to the hospital.

Does any member of the House think that is right or fair? I certainly do not and neither do my colleagues in the Conservative Party.

I would like to know what the Liberal Party thinks. It was its decision to defeat the 1998 motion and deny pre-1986 and post-1990 victims of hepatitis C from tainted blood access to the compensation fund. Is that compassionate? Is that accepting responsibility? I think not.

How can the Prime Minister proclaim to the nation that he leads a party that is reflective of moderate mainstream Canadian values? What does that say about what he thinks of mainstream and moderate Canadian values? If that is the case, it is no wonder we are in a minority situation. Normal moderate Canadians balk at the Prime Minister's vision of mainstream Canada.

I digress. During the original debates many parliamentarians spoke passionately about the plight of victims who were not included in the compensation agreement. For example, the member for Glengarry—Prescott—Russell said:

There is not a single parliamentarian, I believe, who does not have hepatitis C victims in his or her riding, just as there are none without cancer or AIDS victims among those they represent.

We all have constituents living with very difficult medical conditions, and suffering as a result of those conditions. Naturally, we all sympathize, and wish to come to their assistance to the extent that finances permit and to the extent that the necessary money is available.

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I am not sure even now if the hon. member stands by what he said in the chamber that day, but with \$1.1 billion in the compensation fund, I am sure he will agree that the finances do allow the necessary moneys to be available. That being said, it is time to act.

While the government has made partisan arguments and used all kinds of stall tactics, hundreds of people have died from hepatitis C acquired through tainted blood. The government can take action. It can take immediate steps to begin compensating the people it left behind for seven years. It can help alleviate the pressure of punishing drug costs, extended hospital stays and years of medical and physical anguish from a sickness that they should not have contracted in the first place.

The issue has been on the minds of Canadians for too long. The government should admit its mistake and compensate all the victims and let them carry on with their lives. To be clear, my party, the Conservative Party of Canada, and my leader unequivocally support the opening of the compensation fund to all victims of hepatitis C from tainted blood.

When the previous prime minister resigned from office, many questions were asked about his legacy. I am not sure what answers the former prime minister gave, but an unfortunate part of his legacy is that thousands of tainted blood victims were unjustifiably left out of the compensation agreement. Now his government will be forever known as the government that turned its back on Canadians suffering from tainted blood. I hope the present Prime Minister considers that point and acts appropriately.

I philosophically believe in the responsibility of the individual, but in that belief there is also an onus on the state to take responsibility for its actions. I took responsibility for my life after my accident. The victims of tainted blood want the same opportunity. However, before that happens, the government must accept its share of the responsibility and compensate all the victims of tainted blood.

Mr. Speaker, may God bless all the victims of the tainted blood disaster.

• (1940)

[*Translation*]

Mr. Christian Simard (Beauport—Limoilou, BQ): Mr. Chair, I would like to make several comments and ask a question of my conservative colleague. I have here a memo from the hon. member for Hochelaga. As early as 1999 he asked the federal government to grant financial compensation to the victims. At the time, he based his argument on five points and when he talked about the victims, he meant all the victims.

His arguments were that Ottawa is constitutionally responsible for the blood supply in Canada; the federal government has the financial means to provide this assistance; at the time, two provinces voluntarily compensated victims; the first recommendation of the Krever commission was a proposal to establish a no-fault compensation system. As well, the citizens of Quebec and of Canada expect the federal government to help the people with overwhelming health needs whose illness is no fault of their own.

Today, in 2004, five years later, I believe this position in principle has not changed one iota. I know that time is an extremely important issue in these considerations because the quality of life of the victims

of hepatitis C, or the families of the victims, is affected further when they do not receive this compensation. They have difficulties making ends meet. They have difficulties living with the illness or with those suffering from the illness.

Nonetheless, I have noticed that the current Minister of Health is open to resolving the matter. In cases like this, we can be extremely firm when we have to be with this government. Unfortunately, we have to be quite often. However, in a case like this one, we commend the minister's openness.

We would like the representative of the Conservative Party of Canada who just spoke, to tell us whether it would not be better to work together with the New Democratic Party, the Bloc Québécois, the Conservative Party of Canada and the minister by supporting the minister's efforts to decrease the excessive delays, and use this political openness, this economic openness due to the unexpected surpluses, as quickly as possible, without engaging in petty politics at the victims' expense or arguing about who is right in this situation.

Is the Conservative Party of Canada prepared to embark upon this constructive dynamic, without forgetting the past, since we could never forget the past the victims have experienced? Are the Conservatives prepared to work toward correcting the situation as quickly as possible without arguing about who was right and without engaging in petty politics at the victims' expense?

I invite my colleague to join this cooperative effort and to comment on it.

• (1945)

[*English*]

Mr. Steven Fletcher: Mr. Chair, obviously the Conservative Party will cooperate fully to ensure that the victims of tainted blood are compensated as soon as possible. However I have to say that the Liberal government has been wrong and is wrong, and that the Conservative Party, the Bloc Québécois and the NDP were right on this issue.

I believe the minister is quite sincere in his belief that these victims should be compensated and that he is trying to navigate through what I am sure is not an easy process, but it is the Liberal government that got us here in the first place.

There needs to be some accountability. The minister represents the Liberal government and the government needs to be held accountable. The Liberals will not be off the hook until all the victims are compensated. Our role as opposition parties is to hold the government to account.

Having said that, our greater role as parliamentarians is to ensure that all the victims of hepatitis C are compensated as soon as possible. Quite frankly, if it had not been for the public pressure that the advocates of hepatitis C compensation placed on the government and the hard work of my predecessors in the health critic portfolio, such as the member for Yellowhead and Dr. Grant Hill, and the work of the Bloc Québécois and the NDP on this file, this would not have come to the stage that it is where we are on the cusp of compensation.

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[Translation]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Chair, I do not want to be giving you direction, knowing you are the kind of man who needs handling with care.

I am very much aware of the importance of this debate and the solemnity that surrounds it. I remember in the mid-1990s when Allan Rock was Minister of Health and a colleague in the House went and placed a rose on his desk because this was such an emotion-charged issue. It is impossible not to be moved when half the people who contracted Hepatitis C have died since we became aware of this tragedy.

The beginning of all this is the discovery in the 1980s that blood supplies had become infected. The sad thing is that this tragedy not only has a human face, as of course it does, but that there is also a human failing involved. Of course we do not want to restrict this debate to human responsibility.

Last evening, I reread some excerpts from the Krever report. This all came to pass, I must remind hon. members, because of our somewhat blind trust in the Red Cross. This does not, of course, in any way diminish the philanthropic role of the Red Cross, but it is nonetheless true that there was a test available as far back as 1981 in the U.S.

At first, the government did not want to regulate blood. We did that only in 1989 for blood, blood products and derivatives, under schedule D of the Food and Drugs Act. Why did the government take so long? Not out of evil intent or any lack of an acute sense of responsibility. It is because we were all sure that, since the Red Cross was on the case, we could rest easy.

So we were amazed to learn, in the 1980s, that some supplies had been contaminated with two viruses. There was HIV, of course, and about 1,000 people contracted it. At the time of the Krever report, in 1995, they were saying that a potential 10,000 or close to it had been infected. Why stick to a chronology here, when we hit a wall from 1986 to 1990? A sad fact, but one we must keep in mind.

I am very pleased at the open-minded attitude of the minister. I have been told about his humanity, and how progressive he was as a premier. He was even health minister in British Columbia as well, I am told, so I know he is familiar with these matters.

The fact is that we have to act quickly. I would like the minister to share our desire, as parliamentarians, to set ourselves a deadline of no later than the Christmas holiday. The House is likely to adjourn around December 17 or 18, as it usually does. Until then, the minister could commit to go to cabinet with a memorandum, go to the Treasury Board and return with a motion.

If the House wants to work with the kind of speed it can have when the urgency of a situation dictates, we can move very quickly. This place has been known to move bills through first, second and third reading within 48 hours. I am sure that the minister would find consent from all the parties to set a deadline so that access to compensation is expanded by Christmas.

We cannot address these issues without paying tribute to the Canadian Hemophilia Society, which was founded in 1953 and spends nearly \$500,000 a year on research. Our rules do not allow

me to mention the presence of anyone in particular in our galleries, but, if hon. members look this way with me, behind me, they will notice people who are following very closely our discussions and who have been extremely persevering and visionary.

● (1950)

I think that this would be a fine homage to pay to those who, over the years, have volunteered to get involved in research and fundraising and to represent people.

What was the situation? An amount of \$1.1 billion was set aside. To date, perhaps \$400 million or so has been paid or will be at some future date. When I talked with representatives of the Canadian Hemophilia Society, they estimated that between 6,000 and 7,000 claims could be filed. This means that, in this kind of scenario, there is plenty of money in the fund to expand access to compensation.

We must bear in mind, however, that several provinces, including Quebec, Ontario, Nova Scotia and even the health minister's home province, I think, have already expanded access to compensation. Four provinces did so. The federal government must follow suit. Why? Because these persons who received blood transfusions or blood products did not contribute to their own misfortune. This is not an instance of negligence, where those involved are responsible for what happened to them.

We had appropriate confidence in a system where the federal government had delegated to the Red Cross the supply, distribution and monitoring of blood products. We know how authoritative the Red Cross was when we discussed these issues. Unfortunately, we know how events turned out. That is why it is so absurd to have set up chronological criteria. Why did the government establish chronology as a condition? It was because they said in 1986 an indirect test did exist, while after 1990 all blood products were examined.

We must put that on the list of things to accomplish together as parliamentarians by Christmas. There is no need to be partisan. Sincerely, I think that the opposition ought to apply pressure. The parliamentary secretary threw me such a powerful look that I cannot help but think he was a little angry. Today we held a press conference with all the opposition parties. We did not do so out of partisan feelings, but to press the government for action.

When the health minister rises in this House to say he is sincere and wants to work on expanding compensation, we are ready to take him at his word. We know that he wants to work to this end. I do not think we should doubt the minister's word. I know that in a few years, when he reckons up what he has accomplished in the House, unlike David Dingwall or the hon. member for Sudbury or Allan Rock or the hon. member for Edmonton Centre or the hon. member for Papineau, the minister will be pleased to say that among his accomplishments he acted on the first recommendation of the Krever report.

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All parties in this House will be grateful to him. If the minister believes that the Standing Committee on Health can play its part, then of course, we shall do so. This issue is too serious to let it drag on. Let us be proud to say that this Parliament can settle this issue unanimously. There are not many issues we settle unanimously. There are not many issues on which we reach consensus. The question of increasing compensation may be one. I challenge the minister, in a friendly way, to settle this issue before Christmas. I think that we will be very proud parliamentarians to have this issue behind us.

•(1955)

Hon. Robert Thibault (Parliamentary Secretary to the Minister of Health, Lib.): Mr. Chair, I want to commend the hon. member for his speech and for his work in committee. Although we do not always agree with his methods, we do agree on what we want to accomplish together.

The hon. member is suggesting that we give the minister a deadline. He has to understand that it is very difficult for the minister to work within such a tight deadline. I take it from his speech, his words, and the speeches of other members, that he is pleased that the minister agrees with the principles, that he is moving in this direction, and that he is taking the necessary measures. Nonetheless, the minister must respect the rules of the provincial courts in Quebec, Ontario, British Columbia and one other province—

An hon. member: Nova Scotia.

Hon. Robert Thibault: He must also respect the rules of the Nova Scotia court.

We must ask the actuaries to calculate what surplus will be accepted by the court. We must negotiate with those benefiting from the trust at the moment, the provinces or the courts. We have to follow these procedures. The minister has already started working with cabinet and officials, indirectly at first, to address the issues. However, giving him a two-year deadline—we would all like a decision to be announced tomorrow morning—is quite difficult.

The hon. member must admit that the minister has already taken a big step and is continuing to do good work.

Mr. Réal Ménard: Mr. Chair, yes the minister has our friendship and consideration this evening. I would not want him to think we were not grateful to the minister.

Perhaps I will call a point of order shortly, because I would like, with the House's leave, to have the minister explain to us in detail the connection with the actuaries. Perhaps I just did not grasp it, but I would like clarification that the reason we need deadlines is that we are moved by a passion for restorative justice.

We are making reparation. Unacceptable injustices have been committed. I have confidence in the minister as far as the deadlines are concerned, but we are in early November now. The minister may go before cabinet, and I know that it is necessary to present a cabinet memorandum. I know that the Treasury Board must be consulted. Let us, however, try nevertheless to keep Christmas as our deadline, one I feel is realistic. If the minister were to announce that to us in the February budget, we would be satisfied. He has our complete confidence as far as his willingness to solve the problem is concerned.

If ever he were to do so before Christmas, not only would he have our total confidence, he would also be assured of our everlasting friendship.

•(2000)

[*English*]

The Chair: Let's be clear about this.

[*Translation*]

I am not sure if that is a point of order.

[*English*]

Members may speak more than once this evening. As the evening wears on and if members wish to re-enter the debate, they may do so again. The minister or anyone else who wants to get into it again later on is welcome to do so.

Mr. Steven Fletcher: Mr. Chair, I would like to congratulate the member on a very eloquent speech. Obviously he has been very involved and knows the history behind this file.

We know that this government has made commitments and promises in the past and has moved a little bit, but when public pressure subsides they go back to the original position. It sort of ebbs and flows. I wonder why this member has what I think is quite a substantial amount of faith in the current minister to resolve this in a timely manner?

Secondly, I would like to congratulate the member on the timing. I think his suggestion of a firm deadline is a very good one. But we have already heard waffling from the other side, and only moments after he made the suggestion. So that supports the idea that the government may ebb and flow again.

I would be interested in his comments on that.

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Chair, I know that in this House the temptation to be partisan is part of our natural instincts as politicians.

At this moment, we must trust the minister. First, because he is a young minister—not young chronologically, but young in his responsibilities. I think everyone has the right to a kind of beginner's luck. I am ready to take his word when he tells me that he wants to work for the welfare of the victims by expanding the compensation.

Once again, I think it is better to have a deadline. If we start with good faith as a given, then it is bad faith that must be proven. If in a few months the minister has not been able to deliver the goods, unfortunately, we will have no other choice than to push him as far as we can.

But at present, like my colleagues, I choose to trust the minister and believe that we will be able to settle this issue in a non-partisan way. I want to believe that the Christmas deadline is a good one. Still, if the minister can convince us it is not feasible, we will be patient, but what we really want is for this compensation to be expanded.

*Government Orders**[English]*

Hon. Bill Blaikie (Elmwood—Transcona, NDP): Mr. Chair, perhaps I could begin by saying that I think it is a measure of our level of concern and commitment about this issue that, while the rest of the world is riveted on what is happening in the United States, we are here in the House of Commons debating compensation for hepatitis C victims.

Before I continue, I will be splitting my time with the hon. member for Burnaby—New Westminster.

What the minister has said tonight is welcomed. It shows progress and an openness in dealing with this issue which was not there in the previous Parliament. It would be sufficient in a way if it were just related to the surplus in the fund and the fact that the government is now able to contemplate compensating more people because the initial numbers were either mistaken or exaggerated, however one wants to describe them. However, I also think there is a real willingness on the part of the minister and I hope ultimately the cabinet and the government to see this as something which is the right thing to do in any event.

The real test of that will be if everything goes as we would hope and there is a need for more funds than are in the current fund to compensate all those who may yet come forward once compensation is made available for those outside the 1986-1990 period. It seems to me that the test, ultimately, for the government is whether this is being done 100% on principle or to some degree because there is this extra money, it makes sense and it is morally admirable to use it for these purposes rather than to have it go unused.

We certainly see a difference in the context. I remember, as some hon. members will, the day we had the vote, and it was a matter of confidence. We had a vote on an opposition day motion today and the government lost the motion, but it was not a matter of confidence. It was a matter of the House expressing its will on a particular matter. However, the prime minister of that day said no, that it was not just a matter of the House expressing its will. He said that it was a matter of confidence, and he made Liberal members of Parliament vote against their consciences on this.

There is no point in beating up the current Minister of Health about this, but that is what we experienced in a previous Parliament. I think he might have taken this into account when he decided whether he would engage in a new political incarnation, but that is another matter.

In any event, we have a new Parliament. The government has a chance to prove that it really is different than the last Parliament. We already see signs of that. We see Liberals freed from the authority of Jean Chrétien on this issue. In committee, we were able to have a unanimous vote recommending that the government compensate victims of hepatitis C beyond that 1986-1990 window. I hope we will see the same kind of freedom to do what perhaps many Liberals have always wanted to do. Certainly we knew that at the time. There were people who were tremendously stressed out by the fact they had to vote against their conscience.

I think this is a sign of things to come in this Parliament. Hopefully, we have a new regime. I have lots of problems with the new regime, but it is at least different in a positive way on this score.

There are different numbers and a different balance of power in Parliament. As I said earlier today at the press conference we had about this, I hope hepatitis C victims can become one of the first groups of people to benefit from the new dynamic of this minority Parliament.

I hope the Minister of Health will take the advice of my colleague from the Bloc to heart. If he cannot get it to cabinet before Christmas, he should get a recommendation so we can, if possible, move that June 2005 date up. It would be great to have unanimity among the plaintiffs for all groups and the government, go to court with a unanimous recommendation and on that basis move that date up to see if we cannot get things happening faster for these people because they have waited long enough.

● (2005)

Hon. Robert Thibault (Parliamentary Secretary to the Minister of Health, Lib.): Mr. Chair, I thank the member for his kind words, but I have to point out something to him. He has been in the House a long time. He is a member of the New Democratic Party. He is a good worker and fighter for the party, but he should understand that the minister was also a member of that party for quite some time. He worked in the provincial government. He was the premier, he was a minister and he did a great job. However, for some time he was a free agent. He received an offer to come into the big leagues and he accepted that offer. He is performing very well. To the members opposite, especially the new members, if they work hard and they prove themselves, maybe some day that will get that offer. A little advice, do not swing at every pitch.

It was two Parliaments ago that those very difficult decisions were taken. We might agree or might not agree with them, but I think we are all in agreement on the way to go forward.

It would be unjust to say that there was no caring or empathy for the people who were suffering. We have to look at the \$500 million or more that was invested in working with the provinces so that services would be there for those people. Now we are at a new day. We have new capabilities and new information. We are looking very seriously, on a go forward basis, at compensation for those people.

● (2010)

Hon. Bill Blaikie: Mr. Chair, I was the first to use this metaphor in the House when the Minister of Health was not performing, as well as he is tonight, in question period. It must be something about this setting. This is what we had in mind when we designed this so that we could have a more meaningful exchange than is sometimes possible on the floor of the House during question period. I remember saying that I was beginning to understand why we did not get anything when we traded him to the Liberals, but he has a chance to redeem himself. Certainly, this issue presents him with that opportunity.

To the member who asked the question, I did not suggest that there was not a sense of compassion on that side. I suggested that sense of compassion was repressed by the authority of the prime minister of the day. There was a great sense of injustice that had been done to hepatitis C victims. There was the need to do right by them, and not just those who were in the 1986-1990 category, but also those who found themselves outside that.

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Quite the contrary. I was not trying to suggest that there was not that emotion or that attitude. What I did suggest, and the record is conclusive on this, was that the government of the day, for whatever reason, hardened its heart and asked its own members of Parliament to vote as if their hearts had been hardened also. Here we are today doing something that actually could have been done a long time ago.

Mr. Rob Merrifield (Yellowhead, CPC): Mr. Chair, this is an interesting subject. Would my colleague comment or agree with me on this? I would have felt much more comfortable if the minister had risen this evening and said that he had been examining this since he received the portfolio, that he knew this concerned the last Parliament because of the number of questions and the amount of pressure that was put on by opposition on this issue and that knowing the now number of dollars in the fund, he initiated this as something to be looked at. I would have felt much more comfortable and I think the victims and Canadians would also felt more comfortable had he done that.

The problem I have is the minister stood this evening and said that cabinet would have to look at this. That means the cabinet has not even talked about it. I do not know how this cabinet will feel about it. I know exactly how the past health minister felt about it because I asked her the questions in a very aggressive fashion, not more than just a few months ago.

There were just as many funds then as there are now. Would my colleague agree with me that there is some suspicion with regard to the sincerity of what is happening? Perhaps it is the new dynamic of a minority government and the pressure that we as opposition can put on this issue now, more than the true intent of wanting to do right by hepatitis C victims.

Hon. Bill Blaikie: Mr. Chair, what I am trying to do tonight is get beyond that. I am not naive, and I do not think anyone else on this side of the House is. We know it is not signed, sealed, and delivered. But to the extent that we want it to be signed, sealed, and delivered, we would like to nurture the momentum and support the minister to the extent that we feel he truly wants to make this happen. If he is not levelling with the House and if he is not levelling with the victims, then we will have lots of time to beat him up over that. Unfortunately, that would not be all that helpful to the victims, and I hope we don't have to go there.

We have the unanimous motion from the committee, and we may even have a unanimous motion from the House before the end of the week. This is not something the minister is going to do out of the goodness of his heart, even though he may feel that way. This is something the government better bloody well do, because the House of Commons is going to speak forcefully, as the health committee already has, and the House of Commons is going to do so very shortly, instructing the government that this is what the elected representatives of the people want the government to do.

● (2015)

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Chair, I would like to thank my colleague, the member for Elmwood—Transcona, for sharing his time with me. I will not be able to match his eloquence or his depth and breadth on this subject, but I felt compelled to speak on this issue this evening.

I am appalled, as a new member of Parliament, and ashamed as a Canadian and a parliamentarian that so many years after this original crisis and with so many victims we have still not fully compensated victims of hepatitis C. I am appalled, and I cannot see an explanation for it. I cannot see an excuse for it. There is no reason why these victims have not been compensated. The money is there. The money has been put aside. It is gathering interest, \$56 million a year. In a sense, in a very negative and evil sense, we are talking about blood money, money that has come as interest on the principal.

At the same time, 6,000 victims have not been compensated. I do not understand why. I am a new member of Parliament, but all I feel, and I echo the words of the member for Hochelaga, is that we must move quickly, in a matter of weeks, to finally address this issue. I understand that there are extenuating circumstances and it is a complex issue. There is no excuse, though, to my mind, for not promptly and rapidly compensating these victims.

I ran for Parliament because I am concerned about the disconnect that takes place between Parliament and our communities. I have received many letters, as I know other members of Parliament have, about this particular issue. One of the reasons why I wanted to speak to this issue this evening is to read into the record some of the letters that I have received from constituents in my riding of Burnaby—New Westminster dealing with this issue of victims and how they have suffered as a result of hepatitis C.

The first letter I would like to read is from a victim of hepatitis C in my riding who was infected in April 1991 through a blood transfusion after the delivery of a baby girl. After all of that, she has not been able to enjoy seeing her daughter growing up because of the pain caused by hepatitis C. She writes:

Finally I went for treatment for the hepatitis C in August of 2003. Treatment lasted for six months, but for me it felt like I was dying. I experienced weight loss of over 70 pounds, hair loss—I am still almost bald—rashes all over my body, racking pain all over my body, joint pain all over my body, black scars from the rashes all over my body, no appetite, vomiting 24 hours a day and 7 days a week for continuous periods, and diarrhea. To put it honestly, I went through hell. My marriage did not survive. My husband could not take the emotional and physical toll this disease had on me all these years. My family cannot believe how much pain, physically and emotionally, I have had to go through. It is very hard for them to see me suffer.

The second letter is from a victim of hepatitis C from my riding, who was infected in March 1993 through a blood transfusion:

Since contracting this debilitating disease, my health has worsened considerably, preventing me from working and severely affecting my everyday life. Not only am I weakened physically, but as a result of this disease and my disability to work, I must seek financial assistance in order to meet even the basic expenses. Needless to say, the double punishment I have received, infected through government negligence on top of discrimination in compensation, has left me feeling bitter and betrayed.

A final letter that I would like to cite this evening is from the husband of a hepatitis C victim, again in my riding, whose wife died in 1997 after 13 years of struggle with the disease:

My family's loss started in 1984, when my wife Margaret received tainted blood during a heart bypass operation, resulting in her contracting hepatitis C. Her years of suffering ended in her demise on May 6 of 1997, cheating her of a life she so enjoyed, as well as not seeing her grandchildren born after her death.

These are just some of the letters I have received. I know that other members of Parliament have received similar letters across the country. For goodness sake, 6,000 victims in the same situation, with money available now in a compensation fund that has not been allocated to these victims.

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I see no reason to continue the suffering. I see no reason and no excuse for the delays. I see no legitimate justification for the continued suffering of these victims.

• (2020)

I rise to speak on this issue this evening to encourage the government. I know the House will fully support that. My colleague mentioned that we are looking at a motion coming forward to this House later this week, and I could only predict unanimous consent for the motion, that this government move rapidly, within a matter of weeks and not a matter of months, to compensate these victims, who have waited and who have suffered long enough.

I believe our function as parliamentarians is to address critical issues. This is a critical issue. I believe that when we have the resources available we must allocate them immediately, not put them in some fund gathering interest, blood money. We need to deal with this promptly. I would encourage the government to deal with it in the next few weeks.

Mr. Gary Goodyear (Cambridge, CPC): Mr. Chair, I would like to ask the hon. member a question with regard to the care for cash program that was set up around 1998 by the past hon. member.

This program was set up seemingly to provide for victims outside the timeframe of 1986 to 1990. It was designed to cover the cost of drugs and some of the other hardships these victims were suffering from.

I would say to the member that it does appear now that some of this money, which has already gone to the provinces—and I am speaking more clearly with respect to my own province of Ontario—has now been put into general revenues for health. In fact, the province's health minister, George Smitherman, announced that the money will be used to pay for care that is usually covered anyway.

It seems to me that this money has never made it to the victims. In fact, it appears that it never will. Given that only 50% of the \$300 million has now reached the provinces, and given the fact that it seems that a lot of this money is not being used for the victims, I would ask the member if he feels any sense that this money should be given back to the federal government to be put into this fund and to be distributed properly to the victims.

Failing that, I would like to ask the hon. member if he would be comfortable in insisting that the federal government stop any further payment to the provinces and put the money that has been allocated to them into this fund for the victims.

Mr. Peter Julian: Mr. Chair, I thank the hon. member for his question.

I think the issue here is making sure that the victims receive their compensation. If the money is being held federally, then the federal government has that obligation. We as parliamentarians have the obligation of meeting victims' needs and making sure that money is released.

If the money has been held up by provinces, a similar responsibility comes upon the provinces to deal swiftly with that, so that the compensation can go directly to victims.

I do not believe this is a partisan issue. I believe this is an issue that parliamentarians across all party lines and all four corners of this

House and in corners of the provincial legislatures must deal with. I do not think we would see and I cannot believe we would see opposition to making sure at all levels, federally and provincially, the money flows through to the victims finally.

Mr. Steven Fletcher (Charleswood—St. James—Assiniboia, CPC): Mr. Chair, I would like to ask the member a question.

I see a contrast between his position and that of the member for Elmwood—Transcona, in the sense that this member wants to have a more timely resolution to this compensation problem, whereas the member for Elmwood—Transcona seemed to be quite generous with the government, saying we would give them some time and if they do not act appropriately we will essentially go after them then.

This really delays the process. It is just another delay. Quite frankly, I agree with the member that these people need to be compensated as soon as possible. People are dying on a weekly basis. They have suffered far too long.

I wonder if the member could explain the gap between the position of the member for Elmwood—Transcona and his own.

• (2025)

Mr. Peter Julian: Mr. Chair, there is no gap at all. The hon. member for Elmwood—Transcona has been one of the most fervent advocates of compensation. He has pushed relentlessly in previous Parliaments to make sure that compensation is applied to victims.

I support the member for Elmwood—Transcona fully because of his ongoing efforts in this regard. He has been pushing consistently. He has been pushing without a pause. He has been pushing in a very real sense in the House. The new member as well as myself as a new member have certainly seen in previous Parliaments that he has been a leader in this regard, pushing forward relentlessly.

I raised the issue of the victims' compensation this evening particularly in regard to letters that I have received since the election. I think we all agree that compensation needs to be paid and it needs to be paid as quickly as possible. Some of us have attached timelines and some of us have not. The reality is everyone here supports the idea of finalizing this and moving on.

Mr. Don Bell (North Vancouver, Lib.): Mr. Chair, I am rising to speak to the hepatitis C issue which we are discussing tonight.

I would first of all like to compliment the hon. Minister of Health for his statement tonight of understanding and support for hepatitis C victims across Canada, and for his willingness to consider the request that has come from those victims who fall outside the January 1, 1986 to July 1, 1990 core group to be included in a program of assistance similar to that offered to the core group.

I also acknowledge and appreciate the support that the government has given previously to those affected by this terrible health tragedy. I have been contacted by persons who are in the affected pre-1986, post-1990 group. They have clearly articulated their challenges living with hepatitis C and the severely negative impact this has had on their lives and the lives of their families and loved ones.

Government Orders

I would like to make reference in an abridged form to a letter I received from a resident of my riding, who in respect of her privacy I shall only refer to as Mrs. E. She wrote:

"I contracted hepatitis C prior to 1986 after a blood transfusion for a miscarriage. Due to liver damage from the hepatitis C virus contracted by this tainted blood transfusion, I underwent the Rebtron treatment. During this time I felt very ill which makes one very weak due to the constant battle of the blood cells in conjunction with the drugs fighting the virus. For example, my husband had to cut up my food. I had to have help bathing and was always short of breath and my lips were a blue colour. I was only able to walk with the help of a cane. I also suffered severe chest pain. My husband and daughter were constantly worried when of necessity they had to leave me alone at home. This ordeal has left me weak and constantly tired and I feel that it warrants response. I feel it is not right to be excluded from the funds set up by the government which excludes those who contracted hepatitis C prior to 1986 as I am as much a victim as those that are being included".

Hepatitis C sufferers are not the only victims of Canada's tainted blood supply, but they are the only ones who have been subjected to an arbitrary inclusion period. Persons who contracted, for example, the AIDS virus from tainted blood are compensated by the federal government regardless of when they were affected.

With regard to the hepatitis C situation, the data provided to me shows that in the four and a half years since the 1986 to 1990 program has been in operation, a total of approximately 9,000 claims for compensation have been approved. This includes infected persons as well as family members of the infected persons. The hepatitis C compensation umbrella group has estimated that there are approximately 6,000 persons in the pre-1986, post-1990 excluded group who contracted hepatitis C through tainted blood transfusion outside the 1986 to 1990 compensation window.

I believe the federal Government of Canada should move to consider as soon as possible, and hopefully well before next June, the expansion of the eligibility for the existing 1986 to 1990 compensation program and assistance, if that is the appropriate term that is decided by the lawyers for the victims, to include hepatitis C victims now in the pre-1986, post-1990 excluded group.

This would provide relatively quick access to desperately needed financial assistance for thousands of victims across Canada. These people need our help and compassion now.

•(2030)

Mr. Tony Martin (Sault Ste. Marie, NDP): Mr. Chair, I want to thank the member for participating tonight and also thank the previous two members from my own caucus for laying out for us some of the history regarding this issue.

The government had a chance many years ago to make a difference and obviously chose different priorities and we are back at it again today. We have heard stories from members on both sides of the House tonight that should speak to the heart of anybody in this place for them to do the right thing.

Before I came to this House, I was a provincial member for 13 years, having been elected in 1990. Mr. Charles Duguay, a gentleman in my riding, came to my office in 1991 asking questions about hepatitis C. He and a group of people who were affected wanted some assistance. Here it is some 13 years later and he is still coming to my office, although now I am a federal member, and he is still asking me when something will happen. He wants to know when there is going to be some justice. He wants to know when he is

going to get some relief. Many of his friends have passed away in those 13 years and if this goes on any longer, it will be him.

The member for Elmwood—Transcona suggested earlier that if the government was really serious about this, it could request the unanimous consent of the House to have this done by the end of this week. From what I am hearing here tonight, it would get that. Would the member agree that the government could and should do that?

Mr. Don Bell: Mr. Chair, I am a new member of the House but I have spoken to the groups that have been involved in the hepatitis C compensation umbrella group. I have spoken as well to some of the victims of hepatitis C. I am not here to judge the decisions that were made by previous members of the government in arriving at the package that was determined. My understanding is it was worked out with the lawyers as a result of a judicial decision with regard to the compensation package that was put previously. People in the pre and post group are deserving of assistance.

The people in the umbrella group that is supporting this request and who brought this forward recognize that they are dealing with a sum of money that was allocated for the victims within the core group, the 1986 to 1990 group. It will require discussions, negotiations and agreement with the lawyers on behalf of the current victims to utilize that fund.

It appears that the number of estimated victims is going to fall well short of the original figure of some 20,000. Some 9,000 claims have been paid out already and some of those have been to family members. They are not necessarily all direct victims.

My understanding of the procedure is that we have to get agreement to begin the negotiations and I understand the minister is taking that request to cabinet. Agreement is then required because the courts have determined that certain people have a right to that sum of money. If the sum was arrived at it with a number that is now turning out to be considerably less, hopefully they will agree. The people I have spoken to in the compensation umbrella group believe an agreement would be reached. There are three different jurisdictions for which there has been legal representation that would be involved. The argument is that a substantial fund is available, but in order for those funds to be released, agreement would be required from the judge involved, or at least the legal representatives involved.

This should be done as rapidly as possible. It should not be left until the actuarial figures planned for next June. If representatives of the victims are prepared to agree quickly, we could move exceedingly quickly. It appears that there are adequate funds available based on the actual experience and the numbers that I have seen.

•(2035)

[*Translation*]

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Chair, in my riding it is hard to accept that there is a woman between the ages of 60 and 65 who is the victim of hepatitis C. She had to send some 5 to 10 letters to the provincial government to have her status recognized so that she could get medication.

Government Orders

Honestly, the federal government has been dragging its feet in this case. The people who were infected between 1986 and 1990 were entitled to receive compensation for hepatitis C.

This reminds me of what happened to the veterans. Wait until some of them die, then it will not cost as much. This is the same thing. It will not cost as much because there are fewer victims. It has been calculated out.

My question is as follows: is the federal Liberal government ready to stop playing games with human lives? We are talking about people in need. Will the government say that it can pass this in a week, that it can resolve the problem once and for all and that it will help these people? These are people who need care and who need to be recognized like the other people who were infected with hepatitis C.

There is no need to wait for next year's statistics. The people in my riding want results now. They are phoning now and asking why there is discrimination between them and the others. They are wondering if they should have been infected between 1986 and 1990. Is that the difference? It is nonsense. A Canadian is a Canadian.

I would like the hon. member's opinion on this.

[*English*]

Mr. Don Bell: Mr. Chair, I think the minister has already expressed my concern, and certainly anyone I have spoken to on the government side has very strong feelings of compassion for those victims. If we are able to do something, certainly a number of people I have spoken with feel that we should do it as quickly as possible.

I have discussed it with our new Minister of Health, since the election obviously, as I am a new member. He has indicated to me his compassion and concern for those victims. He indicated that within his legal ability as minister he will do all he can to respond to this as quickly as possible. That is the responsible thing to do. It is a human tragedy. We want to deal with it as quickly as possible. We also have to deal with it because it is within the legal context of the agreement that was reached. I think we will get the agreement of those people involved to see it change, but we have to move forward on that.

Hon. Robert Thibault (Parliamentary Secretary to the Minister of Health, Lib.): Mr. Chair, I want to thank the member for his discussion points and his speech and congratulate him as a new member. This has been one thing he has been working on since he got here. He has been working directly with the minister. He has been asking a lot of us in the House that it happen quickly and that we go as fast as possible. In the discussions he has had, I would assume that he recognizes the constraints on the minister.

What is the responsible way to go? I assume the member would agree that we would have to respect the court, respect the partners and respect the people currently in the trust. Look at the trust as a first way, as the first area, because there is more than likely an actuarial surplus. We all think there is, but it has to be established. The dates had been set and the methodology when the friendly settlement was reached with the first claims group.

Would the hon. member not agree that the minister, since he has taken office, has been very responsive and is doing everything in the

quickest way possible with the constraints that are normal for a position such as this?

• (2040)

Mr. Don Bell: Mr. Chair, I was approached by the umbrella group representatives early in September. I raised this issue with the minister and he immediately responded and provided the information. I became aware of how involved the Ministry of Health had been and its officials in attempting to respond post-election to the request that came forward. The formal request that I am aware of came out in late September. I had been meeting with the compensation umbrella group prior to that.

I believe that the minister has responded within the constraints that he has legally. I have been urging him, as I am sure have others, that we move as quickly as possible. I am satisfied we will do that.

Mr. Rob Merrifield (Yellowhead, CPC): Mr. Chair, it is a pleasure to rise to add to the debate this evening with regard to this important decision. I hope the minister and his colleagues in the Liberal Party are genuine about some of the comments I heard this evening.

This is a new Parliament, a new phase, with a minority government. My greatest hope is that the House will truly reflect the will of the people who put us into office, which is the democratic reform that I sense is necessary in this place. I see this House as somewhat dysfunctional and my hope is that during a minority government we can actually add some democracy to this place. If true democracy breaks out I want to be here. I want to see that actually happening because it is very important. I know we jest about it somewhat, but it is not a funny matter when members of Parliament are not able to reflect the will of the people who put them into office. That is the fundamental right of democracy. That is what it is all about.

This issue has gone on for almost a decade. Victims have passed away during the time that the government in power said it was feeling the pain of the victims and understood the plight and wanted to do what was right. Well, I hope so. I really do. I will give it that option. I am going to lay it out as easily as I possibly can so that the government can truly reflect its words this evening.

I have the privilege of serving as the vice-chair of the Standing Committee on Health. At the very first meeting we came to I brought forward a motion that we compensate all victims following the Krever inquiry. Mr. Krever spent four years on the inquiry and said that all victims should be covered, in light of the size of the fund, particularly. The motion was before the Standing Committee on Health and the committee, to the credit of all parties, agreed unanimously to the motion. The motion was then reported to the House yesterday. When it was reported to the House, I gave notice of a motion for concurrence for that motion. That will happen tomorrow afternoon.

Government Orders

Tomorrow afternoon we will ask the government in power and Liberal members, given the words the members of government have spoken this evening, if they would actually put feet to those words, and stand and support the motion that was a unanimous decision of the Standing Committee on Health.

If their true intent is to work as aggressively as possible, and that is what the minister and his colleagues just said, to compensate the victims of hepatitis C outside the window from 1986 to 1990, then it should be a very easy thing for the House to reach a unanimous decision tomorrow afternoon. That would be a great day and a great victory, not for any one party but only one group, those who were victimized.

It is not going to solve their problems, but it is a step toward the fairness of treating them all equally. I think that is what has been overlooked in this entire debate. It is something that absolutely has to happen. As members of Parliament, as leaders, and as legislators we must be responsible and responsive to the needs of those people, in fairness as true Canadians.

I want to bring the potential of tomorrow's motion to light in this debate tonight. I also want to talk about some of the facts of this fund. The fund was set up with \$1.2 billion. That is a lot of money. Some \$300 million has been paid out of that fund. In that fund, because of interest and so on, there is \$1.1 billion left in the fund after everyone is paid out within that window of 1986 to 1990. In fact, it grew \$56 million more than it paid out last year.

Therefore, when \$1.2 billion is put in and \$1.1 billion is left and everyone is paid out within the window, the idea of not having the funds to pay out the rest, when we actually know those numbers, is not valid. The government, at the time it made the decision, said it was not sure how many were actually going to come forward, how many victims were really out there. Its numbers were 20,000 or 22,000 plus. We said those numbers were wrong and we were right, the numbers were wrong.

● (2045)

In fact, through the other fund the minister talked about, \$300 million went to the provinces to compensate some outside that window. We know what those numbers are now. We know that there is going to be roughly 10,000 total. Those are estimates, but they are fairly close, and we know what they are. We know that the fund will be able to facilitate paying everyone out fairly and justly.

The reason for not paying out evaporates. It was never there originally. That is my frustration this evening when I hear the sounds of compassion coming from the other side. This has been a fight. These words and these arguments were used for the last eight years since the Krever inquiry reported and they fell on deaf ears. Did the government not believe it?

Even as early as last year I personally challenged the health minister of the day on her numbers. We said that we have the money to compensate and these are the numbers. It was all there, yet the minister refused to hear these arguments and understand them. This evening we are all of a sudden supposed to think that there is a complete reversal, that the lights have come on, and there is a new revelation and new information about the numbers. The numbers were all there. They were there a year ago; they were there three

years ago. They were there in 1998 when the House was whipped into a vote that went against those victims outside that window.

What is interesting is that we say there are new members. I know some of my colleagues are brand new to the House and they say it was not their fight back then. Maybe to some degree that is true. We had this debate in the Standing Committee on Health and we started looking at the fact that those who are in power in the cabinet today were here back in 1998 when the decision was made.

I can say the Prime Minister was there. I can say the Deputy Prime Minister was there, the Minister of Finance was there, and the Minister of State for Public Health was there, and the Minister of the Environment was there. The Ministers of Foreign Affairs, National Defence, Human Resources, Agriculture, International Trade, Indian Affairs, Veterans Affairs, International Cooperation, the Minister of State for Families and Caregivers, the government House leader, the President of the Treasury Board, and I could go on and on, they were all there and they are here today. They had all this information over that same period of time.

Forgive me if I sound a little skeptical about what might happen in the vote tomorrow. I am here to lay out as aggressively as I possibly can, and that is what I think a debate should be, the arguments for why we should stop playing games and think of the victims.

I would like to end by thinking about those victims because they are really the tragedy of this whole debate. They were the ones who, through no fault of their own, contracted hepatitis C when the government knew the blood system was faulty and the potential of risk was there.

Some of the problems that happened with this disease have been talked about. They include fatigue, jaundice, nausea, hair loss, unresponsiveness, forgetfulness, trouble sleeping, weight loss, problems with water retention and so on. They are debilitating.

In fact, I want to read part of a letter that I received from a constituent in my riding. It says it all. It was from a woman whose husband contracted hepatitis C before 1986. She wrote:

I was married to a man who had a zest for life, had many friends, was popular in the community through volunteer work, enjoyed sports and loved his job. But because of hepatitis C, he was now shunned by his community. His many friends slowly disappeared and he couldn't play sports any more. He felt that all the years of hard work to establish a good reputation at work had been compromised somehow. But besides the mental damage he had endured, there were the physical changes. After losing 40 lbs. to a weight of 125 lbs., his hair fell out in clumps and his body was covered with rashes and cracks, and bled. He had constant migraines and vomited regularly. When I look in the mirror, this is the man that I had married at one time.

● (2050)

This just a small portion of the countless number of letters that have flooded in from victims right across this nation. It was a sad day when the decision was made in 1998.

Government Orders

Looking ahead, we have an opportunity to correct that. We cannot erase the wrongs of past years. That is beyond our ability to do. However, we can do something for those remaining victims and their families before it is too late. We have the power to do that. The victims are watching. Canada is watching. Let us do the right thing.

Hon. Robert Thibault (Parliamentary Secretary to the Minister of Health, Lib.): Madam Chair, I want to thank the member again for his kind words. I appreciate working with him at the health committee.

He pointed out that we have unanimity of purpose. For political parties, not always unanimity of opinions on every point, but unanimity of purpose. On this purpose and this objective there has been no differentiation.

I ask the member to recognize, and I think it is important to do so, that it is easy to look at the past and people who are not here to defend themselves and to question their intent. But I think there is one element, and I do not think that he wants to mislead anybody but the way that he said it, it might be misleading to people who do not have all the facts, that has to be understood, and I believe the member understands that and knows that.

Since that fund was established those moneys are no longer under the control of the minister. The minister cannot access those funds. The minister must apply as one of the contributors. The federal government was one of the contributors to the funds, but the fund was held in trust for the people who had the claim before the federal government where we had to negotiate a friendly settlement.

Those funds were being managed and held in trust by them. We must have the agreement of three provincial courts before those funds can be released or used in another way other than for what the fund was established. For that to happen, we have to show that there is a surplus. The federal government cannot declare a surplus. The actuarial surplus will be pointed out to the court by actuaries. The court will agree that there is a surplus, presumably. Then we can make application. The minister has indicated the path he wishes to follow.

Would the member not agree that in his capacity that is the shortest possible method for the minister to access those funds?

Mr. Rob Merrifield: Madam Chair, it is interesting when the member says we have no power to control what is actually in the courts. We had the power to limit it from 1986 to 1990 when we actually had the figures to know that it was the wrong decision at that time.

It actually scares me when my colleague suggests this because what he is really implying is that we could make a decision in this House and it would not mean anything. I believe that the decision should have been made not based on how much was left in the fund. The decision should have been made on what was the right thing to do for the victims of the day.

To say that we cannot access the funds is a shallow argument when one really looks at what the member is saying. That is like saying, "Oh, we have a little bit of gravy left over so we will apply it to try to ease our conscience".

That is an inappropriate way to look at this. We had the figures back then. We need to do the right thing now. We needed to do it in the last government when there was a majority in government. The government had a majority in the House. It had total control of this. Nothing has changed from a year ago, as far as the fund goes. All that has changed is perhaps the pressure that has been applied to this issue at this present time.

Let us just make it happen now. Let us stop pointing figures and make it happen. We can get into a lot of the politics of it and I think the government of the day should wear some of the politics of it. That is fair enough. When one makes decisions, one has to live by those decisions and pay the price for them if they are the wrong decisions. I think that is fair. Let us move on this now. We have to do it and do it in an aggressive way.

I would like to challenge my colleague. Tomorrow he will have an opportunity to vote in this House and to put feet to his words if he really wants to compensate victims. So let us see that happen.

• (2055)

Mr. Greg Thompson (New Brunswick Southwest, CPC): Madam Chair, I just want to make a comment on the member's remarks. The decision by the government of the day was a political one. The right thing to have done at that time was to follow Justice Krever's report and compensate all victims. A strategic decision was made on behalf of government to only compensate some victims. I would like to member to comment on that. That decision lays squarely at the doorstep of the government of the day.

The member is absolutely correct. Successive Liberal governments have had an opportunity over the years to reverse that decision. The actuarial report did not simply appear on the horizon. We knew about the numbers then. In fact I was health critic for my party at the time and I suggested then that the actuarial numbers were wrong. The number of victims was grossly overestimated. The government could have funded all the victims, as Justice Krever suggested, but it made a political decision not to do that.

Could the member to comment on that issue.

Mr. Rob Merrifield: Madam Chair, my colleague is right. The numbers were obvious at the time. I think that will be an historical fact. It is not something we really need to debate. The political will was not there to do the right thing, and that also will be an historical fact.

Woe to us if that happens on our watch. We have an opportunity to change that. We need to do it. The fund is there, the money is there, the victims are still there and the opportunity to do the right thing is there. The minister says that it is complex and we have to think this and think that. However, it is not complex; it is very simple. We either do the right thing or we do not do the right thing.

When it comes to the actual numbers, as my colleague says that will go down as an historical fact. He is absolutely right. I encourage the House to soberly consider the opportunity that we have before us.

Government Orders

[*Translation*]

Ms. Nicole Demers (Laval, BQ): Madam Chair, I have been listening to the debate for the past two hours or so. I may be a bit naive, being new in this House and having trouble understanding certain things that are going on. We all seem to be in agreement that a serious injustice has been committed toward these fellow citizens who became the innocent victims of tainted blood. We all seem to agree that there have indeed been victims and we would like to provide some compensation. We are, however, having a hard time reaching agreement as to how to do that, and when. That is what I have trouble understanding.

It seems to me that, if the government is one of the bodies responsible for the funds, and the two others are representing the victims, an understanding ought to be reachable.

This is of major concern to me. I can sympathize with the victims and their families, because I have a hemophiliac son. So far, I have been fortunate not to suffer the torments some parents have suffered. I do, however, know the torment we parents feel knowing that our child can at any moment fall victim to hepatitis C, HIV or any other blood-borne disease. I understand very well that this is not easy.

As all those letters were read earlier, I could understand and feel the rage of the people who wrote them. I could also feel their despair. I believe the minister when he says he wants to correct the mistakes that were made. In my mind, when there is a desire to do something, when there is a will, there is a way. I think that the best way of achieving a solution is by taking on this challenge together. Earlier, my hon. colleague from Hochelaga asked the minister to meet the challenge of finding a solution by the recess, around December 17 or 18. For a new member and a new minister, I think this makes for a fine challenge. All of us in this House seem to agree that we want compensation to be provided to the victims of hepatitis C, especially since some of them have been suffering for than 20 years, since 1980 to 1983.

An hon. colleague referred earlier to similarities between this situation and that of veterans from the first and second world wars who had to wait for years for any compensation. My father was one of these veterans. My father was one of 14 survivors at Casa Berardi. I can attest to the fact that he fought for 20 years, just to get hearing aids, which he finally got two weeks before he died. I can appreciate how long it takes, how terribly long the battle can be. One must never give up and say it cannot be done.

We in this place have a duty to these victims. We must not wait for the victims to be on their death bed before giving them what they are owed. The right to quality of life, to maintain this quality of life and to maintain life is a basic right.

I think I will conclude on this, because I am getting very emotional. I hope that our colleagues in this House will accept the challenge of my colleague from Hochelaga and decide to compensate these victims by December 18.

• (2100)

[*English*]

Hon. Paddy Torsney (Parliamentary Secretary to the Minister of International Cooperation, Lib.): Madam Chair, I have had an

opportunity to hear portions of the debate. I think it has been very helpful for colleagues.

[*Translation*]

Especially for the new members of the House of Commons, this is an opportunity to listen to what goes on here.

[*English*]

This is what happens when there are difficult issues for all of us to face.

I am a bit distressed when some of my colleagues would presume that members on this side of the House perhaps have cavalier attitude or that we are not compassionate toward the situation of those who are infected by hepatitis C. That is unfair and quite unhelpful.

Before I was elected as a member of Parliament, I had the great opportunity to do some work with the hemophiliacs association. I met with individuals who had been helped by the health care system, but also had harmed by it. Since being a member of Parliament, I have had the opportunity to meet with individuals. To suggest that any political party has a corner on the market of empathy and sympathy is really not helpful in this current environment.

I caution my colleague from the new Conservative Party to think about that and to respect the fact that people made what they believed, and continue to believe, were appropriate decisions at the time. However, we have new information and a different situation now. We now can look at what the compensation arrangements were by the provinces. We can look at the very different numbers that present themselves in terms of the compensation package versus what was thought at the time. We are not talking about a few people that we did not anticipate. We are talking about numbers that range from 20,000 plus to less than 4,000 now, so it is a very different situation.

Nonetheless, there was a compensation package put forward by the government. That compensation package for the group between 1986-1990 is the compensation package for those individuals. Therefore, there are some legal issues that need to be addressed. There also has been support for individuals who have been affected by hepatitis C, but we are understanding more and more about the nature of the care that they need.

Just this summer a constituent of mine, who I have worked with year in and year out on health care issues since I was elected 11 years ago, found out that through an operation prior to 1986 he had hepatitis C. We need to educate. Perhaps one of the opportunities in this debate is to say that if people had surgery in Canada prior to 1990, they should get checked to see if there is a possibility they were infected by the blood supply at the time. They should work with a doctor to ensure they get the best health care. They should work with the provinces to ensure that the supports for those who have hepatitis C and HIV- AIDS are there and that they are given the care they need. That is their right and it is our obligation as government to provide it.

Government Orders

The minister has articulated this evening some of the thinking that he has going forward. There is an opportunity to work with the actuaries to determine exactly what the surplus is, to ensure that we have fulfilled our legal obligations through the group that has been given some guarantees by the court and to work with the groups that are involved in this issue.

Perhaps, through this debate, I can encourage the minister and all my colleagues in the House to work with the groups that work with these individuals to find the solutions that will make the most meaningful difference to improve the quality of their lives and to support their loved ones.

Earlier this summer I had the opportunity to talk to a wonderful young man and his mom. His father had become sick as a teenager. He had strep throat which was not treated quickly enough. It damaged his kidneys and eventually his liver. Then he contracted hepatitis C through an operation. I apologize if I do not have the facts completely right, but I remember being struck by the fact that I have had strep throat several times and received care quickly. Yet the outcome for this other man was so completely different.

• (2105)

The implications from one support from the health care system to the next had just a completely devastating impact on him. That is nothing that anybody in any seat on any side of the House ever wants for a fellow Canadian. It is not what we desire. We want people to receive good health care. We want to make sure that we are delivering the supports.

The family asked me what the implications would be and what would happen next? They told me what it meant to them to be without their loved one in their lives. They wanted compensation and I supported their desire.

I encourage the government to find a solution quickly, to work with the actuaries perhaps even before June 2005, and to come up with solutions that will make a meaningful difference in the lives of the individuals who were affected.

However we are looking at very different numbers now that a series of provinces have provided compensation. The numbers that are needed from the federal government would be very different. We need to sit down together as governments and those who care about this issue and work out the support issues and discuss what else is needed in the health care system to help those who were infected by the blood supply that was our responsibility. We also need to support those who were affected by the illness through other actions and say that it is about supporting Canadians, about delivering health care and about making sure we are supporting people.

I appreciate the passion, the support and the empathy that the Minister of Health and many of my colleagues on this side of the House have. I hope the members on the opposite side appreciate where many of us are at and how much we want to make sure that we are providing support. However to demonize or to suggest that somebody has all the empathy in the world and the other guys do not is not really helpful. There are several members in the House now who I do not think have that position but there have been others throughout this debate who may have taken a different mode of operation.

However we do need to ensure that the moneys are there for the individuals who have been given guarantees. Sadly, there are many who are still finding out, not many in the sense that they will not be given compensation, but many in the sense that there are others who have not found out yet. We need to deal with this issue and we need to encourage and support the minister in finding a solution that meets the needs of all the individuals, and that will provide long term support for those who were infected when they were seeking the best help at the time. Clearly, people were let down and mistakes were made.

The other important thing through all of this is that constituents right across the country need to realize there have been changes. The price that has been paid by this community has not been lost on all of us who are involved in regulation. We understand that there was a need to make changes and Canada does have a new and better blood supply system. Health Canada particularly has new regulatory functions. There is a Canadian Patient Safety Institute and there is a new Canadian public health agency under construction. The significant changes in how we deliver health care and how we regulate the services within will make a difference for, frighteningly, the next illness that may cross our path.

We have learned from mistakes and we are willing to move forward. We have taken a leadership role in government and we are working to respect patient safety issues, to improve the quality of health care and to listen to the advice of governments, stakeholders and the public to ensure that we have effective strategies for all.

Finally, I encourage and support those who wish to find a solution to this situation but I ask all members to respect that in 1998 the situation looked very different than it looks now for at least some of us on this side and that we made our decisions with the best information that we had.

• (2110)

Mr. Greg Thompson (New Brunswick Southwest, CPC): Madam Chair, I listened very carefully to the member for Burlington and agreed with much of what she had to say but I took exception when she pointed very directly at Conservatives and said that we were exercising a monopoly on compassion. If the member had been listening carefully, and I think the record will show this, none of that took place on this side of the House this evening, whether from a Bloc member, an NDP member or Conservative member. I think we have taken the high ground on this issue.

I can remember the votes that were taken in the House when members were forced by the government of the day to stand up and vote against compensating all victims. I know it was a tough vote for members on that side. As the House knows, I was here in the House at the time and some of the members broke down in tears during the vote. There were press reports on all of that. There was a lot of anguish on that side of the House and a lot of friction I suppose within the party at that particular time. We all understand that. However for the member to portray us as trying to point to the government as the bad guys and us as the good guys, that just did not happen on this side of the House.

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One of the things that we do in opposition is we hold governments accountable. That is what we have to do in this place in question period and in normal debate. However in a take note debate like this, which is what it is, a debate, it is usually quite civil and the member for Burlington is usually quite civil. However I think she stepped over the line tonight in terms of sensitivity on the issue as it relates to the opposition. That is the point I wish to make.

• (2115)

Hon. Paddy Torsney: Madam Chair, perhaps the member himself has overstepped the line on sensitivity because I actually was not referring to him.

I did hear some of the comments and it was perceived by me, obviously inaccurately, that some members opposite may have tried to suggest that some members on this side were less than sensitive on these issues.

Let me address one particular issue. I have never been forced, nor have any of my colleagues been forced, to do anything. To suggest otherwise is a bit silly, in the same way that you saw earlier in the House, Madam Chair, that members on this side may have dissented while members opposite did not dissent from their particular party's perspective on issues.

I would suggest that throwing stones at others is really not helpful. We are trying to have debate. If the member opposite wants to assume that I was referring to him he can knock himself out, but I was thinking about another member who seemed to be getting a corner on the market.

I would suggest that many of us on this side have compassion and do care. I would encourage the member to recognize that, as I gather he has.

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Madam Chair, I believe it would not be disrespectful of the MPs on the government side to say that in 1998 when that vote was taken, it was a vote that lacked compassion. Refusing to vote in favour of expanding the compensation is a gesture that indicates a lack of compassion in the group. Were the members who, as individuals, voted in favour of the government position lacking in compassion? We are not here to accuse anyone. Clearly, however, the government position was not a generous position. It was extremely stingy and not historically defensible.

Things have not changed so much that we can change our opinion on the government's actions. It was stingy and it still is.

Now, I am ready to recognize that the new health minister may be able to convince his cabinet and caucus colleagues that it is time to have another look. However, I do not think we will be expected to improve our opinions on the government's actions in the past. It is not a barometer for compassion. That is not what we need to talk about; what we must do is recognize that limiting the compensation period to 1986-1990 was a mistake. I think that with the passage of time, we must all see that.

Once we have said that, of course, the future belongs to those who want to work to convince the government to expand compensation. I am very pleased to see that the hon. member for Burlington is one of

those who want to work at correcting this terrible historical error. Our goal, here in the House, must not be to avoid recognizing that there was a mistake. Yes, there was a mistake. All the leaders recognize it.

I do not want to ask the hon. member for Burlington to rewrite history. She herself, of course, can show compassion. I ask her if she is still ready to rise in this House and recognize that her government's policy in 1998 was not generous; that it was stingy; and that it was a terrible historical error and must be corrected.

• (2120)

[*English*]

Hon. Paddy Torsney: Madam Speaker, let's look at the facts supported by some of the individuals who are much more involved in this issue than any of us in the House.

At the time we voted in the House it was believed that about 20,000 people would be eligible for the \$1.2 billion that was set aside in the program. In the three years since the Red Cross settlement, 4,804 individuals were in that group. The numbers are 20% less than what people thought at the time. Some members opposite have said they knew there were different numbers. Look, it is the government's responsibility to be prudent and to make sure we are providing adequately.

The group of individuals is significantly smaller. The money that has been set aside has grown because the markets have done better than some people anticipated, compared to 1998.

Four provinces have set up their own compensation funds: Ontario, Quebec, Manitoba, and British Columbia. That was not what this side of the House understood at the time. We are continuing to work with provincial governments. I encourage my provincial counterparts to tell us what they have done with the moneys that have been invested. We have to make sure that we are providing support to the individuals who have hepatitis C. We have to make sure that we are addressing their day to day issues and their health issues. We have to make sure that we are providing the best care, because that is what we are all interested in.

We on this side of the House worked with information we had at the time. We are certainly interested in supporting these individuals. There is no cut-off date for those in the 1986-to-1990 group. We do have a whole new set of hard numbers to deal with that are very different from what we prudently accounted for.

The Minister of Health, with every good reason, is looking at the situation. He is talking to the finance department. He has to talk to the group that is covered. It was their money that was set aside. He is working with individuals, some of whom I would recognize are in the House tonight—if I were allowed to recognize people who are in the chamber, other than the Speaker—people I have known for many years and who I continue to work with. We will continue to do that.

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I encourage the minister and cabinet and House colleagues from all parties to continue to work to address these important issues. We have to make sure that we have the best health care system to meet the needs of all Canadians. We have to continue to be vigilant in making sure that no other group is affected in the same way. All members could agree on that as well. We have to make sure that our health care system, paid for by the government and all Canadians, is there to serve and to protect and to aid us rather than cause us harm. I think all members of the House could agree on that. I hope they will encourage the minister to work on a solution.

Mr. Greg Thompson (New Brunswick Southwest, CPC): Madam Chair, I want to start out with a few facts on hepatitis C. They are very basic, but they describe what the affliction is and how many people are afflicted and some of the details we sometimes gloss over, assuming that everyone back home understands exactly what we are talking about.

Hepatitis C is a potentially fatal liver disease caused by a blood-borne virus. At present there is no vaccine against hepatitis C, nor is there a cure for the disease. I think that is important to emphasize, that there is no cure for hepatitis C.

In the 1980s and 1990s, thousands of Canadians contracted hepatitis C through tainted blood. One of the points I want to emphasize is that they contracted hepatitis C through tainted blood through no fault of their own. That is what I have to emphasize: through no fault of their own.

After Justice Krever did his inquiry, which was about a four-year inquiry into the tainted blood scandal and Canada's blood system, Justice Horace Krever recommended financial compensation for all victims of tainted blood. This is what Justice Krever said, and I am quoting from his report: "Compensating some needy sufferers and not others cannot, in my opinion, be justified."

That is what this debate is all about tonight. The government had the opportunity back then to do the right thing, and they chose not to.

I want to emphasize the artificial dates the government put on their compensation package. The government said it would compensate some and not others. This is almost unbelievable, but this is what the Liberal government did at the time. They chose to compensate only those who contracted hepatitis C between 1986 and 1990.

If we think about those dates, as I know many members in this House and some people in the gallery are tonight, they really do not mean a lot, do they, unless a person happened to be one of those victims that fall outside of that artificial date line put on by the Government of Canada.

If we are talking 1986 to 1990, there were people who contracted hepatitis C on say December 31, 1985, and they were left outside the package. One day later—and this is an awful word to use and probably not the appropriate word—if you were fortunate enough to have contracted the disease one day later, on January 1, 1986, you would have been compensated. Fortunate is not the word, but I guess fortunate would be the word in terms of compensation.

So from the very get-go, there was something wrong with that formula. It would be between 1986 and 1990. Then if you had contracted hepatitis C on January 1, 1991, one day past the deadline,

you were out of luck. What kind of a program and what kind of a compensation plan is that?

That is what Krever recommended in his report. After a four-year intensive study from coast to coast, speaking to all the experts, he is saying that compensating some and not all would be the wrong thing to do. Yet that is exactly what the government did do.

The member for Burlington talks about if we knew then what we know now we could have maybe done something different. Those are the questions that we asked on this side of the House at that time, with facts to back up our position. The hepatitis C people, Mike McCarthy and others—and there is a long list of them who came to the House to meet with us and with government officials as well—pointed out that those numbers the government is using in terms of those who were affected are completely wrong.

They are saying that the money they put aside for the victims would be enough to compensate all victims. We knew that then. We know it now. The government knew it then. Yet they chose not to do it.

• (2125)

I guess the question would be why? This was a pretty heated debate, and there are a few of us in the Chamber tonight who were here at the time. It's not as if we're the only ones who care. I do not want to be portrayed as the only member or the only party, because I think everyone in the House genuinely agreed that something fair had to be done. Why the government took that particular position we will never know. Maybe part of it was old fashioned political stubbornness: you make a decision and stick with it and damn the torpedos.

Anyway, I was the first member of Parliament in the House of Commons to bring this up in question period, after Krever released his report. I remember the day Krever released his report going over and doing a thing on the other side of the street at the National Press Club and so on. We quickly arrived at the conclusion that the government was wrong and that Krever was right and that all victims should have been compensated. It is not about who was first on board and who was second and who was third, but basically the opposition in the House of Commons drove that issue hard, day in and day out, here on the floor of the House.

I will read the motion that came to the floor of the House back on April 28, 1998. The opposition motion was defeated in the House by a vote of 155 to 40. The opposition motion read as follows:

That this House urges the government to act on the recommendation of Justice Horace Krever to compensate all victims who contracted Hepatitis C from tainted blood.

That was the motion, and the government voted it down. There is no question, sitting where we sit over here and watching government members, there were an awful lot, despite what the member for Burlington says, who really were not comfortable in voting against that motion.

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At the time, the government did a full-court press to get all the government members here. I happened to be in Europe with the Minister of International Trade and the minister for international financial institutions, who is now the Minister of International Trade, and the call came in to get on the Challenger jet to come back for that vote, which we did. I can remember that night so plainly, because we got into Ottawa about 3:30 or 4 o'clock in the afternoon and came into the Chamber for the vote. Our meetings in Europe had not concluded because they were world trade meetings and very important to Canada. The opposition were taking a role in them as well. We came in and voted and got back on the plane and went back to Europe. That is how determined the government was to win that vote.

The now Minister of State for Public Health for the Government of Canada had one of the most difficult decisions of her life. She was one of those in the Liberal Party at the time, a backbencher at the time, who publicly wept because she was forced by the Prime Minister of Canada to vote against that package. That is not just a story that we are making up as we go along; it actually happened.

There are other members from over there as well. I am sure there are cabinet members. There are at least two cabinet members present tonight, one of whom was elected at the time. I am sure she had a lot of difficulty with that as well. It was a tough decision.

What we were saying was we knew the numbers. The hepatitis C people were dead on in terms of how many people were out there, how many people would have to be compensated, and how much it would cost the Government of Canada.

What we are saying is that the Government of Canada now has a surplus in the fund, not to mention the surplus that the Government of Canada enjoys today, which I will give them full credit for, of \$9 billion. I see a few smiles coming across the aisle when I point that out, and rightfully so.

• (2130)

The fact of the matter is that the fund now has almost as much money in it as when it began, simply because there has been no payout from the fund in the numbers that the government suggested there would be. At the time and in this place, some government members were actually saying there could be 60,000 victims.

The number I guess that most of the experts fell down on was around 20,000 victims in the 1986 to 1990 group. We know now that there were only 5,000 victims in that category from 1986 to 1990 and there are around 6,000 victims in the pre-1986, post-1990 group.

There are more than enough funds available to do the job. We encourage the government to move on and forget about the mistakes of the past. On this side of the House, we are more than willing to let bygones be bygones. Let us just do the right thing. We on this side of the House want to do the right thing. We have been saying that now for the last number of years, so let us get on with the job and compensate all victims of hepatitis C.

• (2135)

Hon. Robert Thibault (Parliamentary Secretary to the Minister of Health, Lib.): Madam Speaker, I have a few comments to make. First, I was listening to the member's story about the European trip, the world trade trip where he was with the then

Secretary of State for International Financial Institutions and they both came back to vote. I think that was bad planning on both sides. Only one should have come back or both should have stayed there. It would have been a balance.

The second point is on the member's reference to the numbers. He was in the House at the time and I was not. It is easy to be revisionist and point to the others and say that they made the mistakes. If the numbers prepared and presented by the experts were those numbers that were used, it would seem to me to be the reasonable numbers.

If it proved not to be correct for different reasons and we have a potential for a surplus, that is great. We can do something with that and go forward with another of Krever's recommendations, but we should not be of the opinion that the government did not respond to Krever.

Following the Krever inquiry Canada strengthened its practice on regulating the blood system. It invested additional resources. We now have stronger research, surveillance, inspection and regulatory practices. We have provided assistance to those living with hepatitis C and those who received tainted blood. I think a lot was done.

There was \$500 million that was invested in research and the regulatory side as well as assisting the provinces. If we look at the monthly, or few months, or yearly charges, interferon at the time was \$14,000. That would have been devastating to the provinces but with the assistance of the federal government we were able to give care to those people, if not cash, they got care.

Mr. Greg Thompson: Madam Chair, the member does make a good point. It is more than just compensation for victims, because the government did respond and the previous government responded as well, knowing full well there was a problem with the blood system. I think we should acknowledge that. It is a good point.

There is another point I want to emphasize, and I wanted to do this in my initial talk. What we often forget in this place is that former members who have left to go on with their lives are not here to take part in the debate, obviously. There is a former member I want to recognize, Grant Hill, who was the former health critic for our party and the party that preceded that and so on. He did a really good job on that. I might also talk of the member for Hochelaga. There is also the member for Winnipeg North. I want to say her name, but I cannot, however, I do not want the clerks or the people recording the debate to confuse the member with another member.

The health critics in this place worked together. It was just one of those magic moments in the House where opposition parties got together. It is something members on the other side cannot enjoy, because obviously it is a different set of circumstances altogether.

I would be remiss in not thanking Mr. Grant Hill, who is not here tonight, for the work he did on that. I can personally thank the members who are still here. Most of them are still in their respective critic roles or have moved on to another critic role, but they are members of the House. We have had frank and open discussions with members of the Liberal Party of Canada who are no longer here who had grave concerns about how this whole thing has unfolded as well.

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Anyway, we do have the opportunity to move on and we are hoping that the government will. I accept the very generous remarks of the member. The fact is that sometimes all the good that we do gets lost in the bigger issue, but the bigger issue here obviously is an important one, compensation for all victims. Again, let us do the right thing.

• (2140)

Mr. Gary Goodyear (Cambridge, CPC): Madam Chair, I would like the hon. member to comment on some of the costs of managing this particular fund. For example, the auditor is billing \$5,000 a month. The trustee is billing over \$10,000 a month. The investment manager, who is doing a great job, is billing almost \$20,000 a month. The actuary is billing \$5,500 a month. Hon. members will love this one: the administrator is billing over a quarter of a million dollars a month. In fact last year it was over \$3 million for the year. Other people involved are also billing thousands of dollars a month.

Does the member have a comment on what seems to be extremely high billings for this fund?

Mr. Greg Thompson: Madam Chair, I would bet the member has a financial background, because those numbers are almost unbelievable, but they are true.

One of the interesting areas that we got into on this side of the House in questioning the government was the legal fees. In the first year of the fund, the legal fees actually surpassed the payout from the fund to the victims. That went on for a number of months.

It is just an example of how things can go horribly wrong when they are not clearly thought out. I believe that most of those fees could have been avoided if the government had done the right thing and simply moved on with compensating all victims. Anyway, that just shows us how outrageous a mistake in government can become if there is no one there to basically rein it in and take control of it.

That is what we are suggesting the government should do now. It should get on with compensating the victims and minimize those expenses. Those dollars should actually be going to the victims, not to the actuaries, not to the managers of the fund and not to the lawyers.

Hon. Hedy Fry (Parliamentary Secretary to the Minister of Citizenship and Immigration, Lib.): Madam Chair, this is a debate that, of course, as with some debates in the House, carries with it many emotional undertones. I would like to start by suggesting that I do not believe that any one of us in the House is devoid of compassion or a sense of understanding or feeling for people who have been affected by hepatitis C through no fault of their own. I want to take a moment to clarify some of the things that have been said here and to try to roll it together so that we see a clearer picture.

Hepatitis C is caught in very many different ways. One can get hepatitis C from intravenous drug use, from blood and body fluid transfers in other ways and of course from blood transfusions. What we are talking about here is a group of people who contracted hepatitis C from infected blood transfusions that were given to them and through no fault of their own they became ill with this disease. That is what we are focusing on at the moment, people who, through no fault of their own, contracted this disease that can be fatal.

To clarify this issue, I want to talk a bit about the fundamental difference between the groups. There are those who are now receiving compensation, the 1986 to 1990 group of people that we keep talking about. I think the reason those people were given compensation initially, and people have talked about the reasons this all happened, is that many of us believe and have believed that consistent with tort in medical law is the concept of fault.

If there was knowledge of a practice of medicine or some sort of infection at the time and we did not use that knowledge, or we allowed a patient to become ill as a result of it, that was fault. Therefore, that was negligence and there was compensation required for that kind of negligence. I think that was how the government saw this at the time.

In fact, between 1986 and 1990 there were tests being done. They were not specific for hepatitis C. We had not given the illness a name. We did not know what the virus was. I was a physician at the time and we used to call it non-A, non-B hepatitis because we did not know what it was, until about the mid-1990s when an absolute test was developed that could identify hepatitis C. From 1986 until then, there were what are known as surrogate tests. They identified a virus. We did not know exactly what the virus was, but we knew there was a virus.

Many countries of the world began using that surrogate, non-definitive test in that period of time, but Canada did not. Therefore, Canada was at fault. Canada was negligent, the blood system was negligent and those who delivered that system were negligent. That was clear. It was believed that as a result of that fault and negligence there should be compensation given to the people who during that time could have had those blood tests done and could have had blood given to them that had been appropriately tested.

Having said all of that, I think that is where we got to the point of the issue of compensation for this group. At the time many of us felt that even if compensation was given to a particular group, there are those who are still sick. Whether they were there pre-test or post-test, they are now ill. Many people have hepatitis C. Some do not have any symptoms yet, but many people do and have become quite ill. They have lost their homes and mortgages. They are required to take medication that could bankrupt them. Indeed, many of them did go bankrupt because of medication costs.

It was felt at the time by many of us on this side that we needed to look at providing assistance for the group not in the compensation window who were suffering, to have medication available, to provide care when they needed it and to provide treatment. Moneys were transferred to the provinces in order to do that because, as we heard earlier, the medication was extremely expensive. Many people were ill and so disabled that they could not work and they were unable to take care of themselves. Those are some of the things that one felt we could do. That was considered to be compassionate access.

Hindsight has always been twenty-twenty. People now realize that in fact there are many people within those groups who are not in the window, who have bankrupted themselves, who are living in absolute poverty and who have no ability to take care of themselves.

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• (2145)

As we heard the minister say, this is the story of people's lives that have been destroyed. We need to look at what we do to be compassionate and to assist them with whatever their needs are, and not merely health care needs, or treatment, or long term or chronic care, but also to assist them out of poverty.

The question is not do we or do we not do it. The question is how do we do it and what vehicle do we use. Many people suggest we take the money that has not been used for the people within the window or who have received compensation and disburse it among the other groups. The point they are missing is that many people in the window group or who received compensation, may live for another 60 years. They currently may be well, but they may develop symptoms and move on to become quite morbid with a full disability 20 or 30 years from now. This money belongs to them by virtue of compensation. We cannot take that money, spend it and find 20 years from now that patients from that group require it.

Everyone is trying to be very accountable and careful with the fund that was set aside for this group. Therefore, we need to some things. Obviously, we need to require the agreement of those people in that group to allow us to disburse those moneys. We would also require the agreement of their lawyers. We would require the agreement of provinces and territories. It would require the agreement of the courts in British Columbia, Ontario and Quebec that agreed to the settlement in 1999. We need to take four steps in order to disburse that money.

We have heard from the minister that we are exploring this because we think there is quite a large amount of money left. At the same time, we are still considering the fact that we need to find a way to ensure that those people pre-1986 and post-1990 are not allowed to live their lives in poverty and without any dignity or assistance. We are talking about how we get there, not whether we get there.

That is what is left to be debated and discussed by the minister and that is what will go to cabinet. I can assure members that the political will is there to meet the needs of the people whom I have met. I have patients, from the time I was practising medicine, who fall into the category of people who are currently destitute and have no ability to help themselves. What we do for them is absolutely important. How we do it, I would like to reiterate, is the point that we need to discuss.

• (2150)

Mr. Gary Goodyear (Cambridge, CPC): Mr. Chair, I would like to commend the hon. member for her knowledge on this issue and her compassion. I understand that she was in the medical profession prior to coming here.

The hon. member made comments that the government had transferred money to the provinces to aid these victims. With respect to the province of Ontario, its health minister, George Smitherman, announced that the money would be used for care that was already available for these victims. Is the member aware of that? In fact the lawyer for hepatitis C calls it theft. This money is not going to the victims. This money is being put into general health revenues and is not aiding the victims whatsoever.

The other comment that I think I heard the member say was that there were no adequate tests prior to 1986. Of course that is the key argument used by the government. There were tests available, as I am sure the member is aware. I have evidence that the Red Cross informed Health Canada that testing should be done as far back as 1981. Therefore, that is not the argument.

Does the member feel this money should be taken back from the provinces so the federal government can distribute it fairly to these victims. The provinces, not all of them, but certainly in the case of Ontario, are not using the money for these victims?

Finally, does the government not realize that this is not really about what we do with a potential surplus fund? It is about what we do with the victims. The government is responsible for this. Whether there is money in this fund or not, and indeed I believe there is more than enough, the government must come up with the money and solve this issue for all victims. It is the government's responsibility. It is the government's fault. The amount of money in the fund is not relevant. What is relevant is that all the victims are compensated now and not a year from now.

Hon. Hedy Fry: Mr. Chair, the hon. member asks some very important questions. The thing to remember is that at the time, the money which was given to provinces was specifically set aside for persons who were not in the 1986 to 1990 group. It was for care, medication or treatment.

We know the treatment was extremely expensive. We were looking at interferon at \$5,000 a dose. Therefore, the provinces could not suddenly find the money for that, so the money was specifically transferred to provinces to give that medical care to all persons who had hepatitis C.

That money is not in question at the moment. If it was not used for that, then there is an accountability issue that we have to discuss, and provinces have to respond to it.

What we are talking about is the ability to assist people who are not in that window and who are suffering from poverty, or have lost their homes, or are extremely disabled and lost their ability to live from day to day, never mind if they are getting medication and care, we mind the disability to live life and to have a life. We have heard from everyone on this side of the House, especially the Minister of Health, that the government will do something about that.

Many people on the other side of the House have asked why we do not take the funds already there for a particular group and use them. We have said that this money is not given in a lump sum to the group. We cannot say to the 1986-1990 group that we will give them a lump of money and that will have to last them the rest of their lives. Many people in that group, who were apparently infected, are not sick yet, but could be. These people may live another 70 years or another 50 years. We need to at least make sure, when they do get ill, that the money is there for them.

Therefore, we need to discuss how we can help the persons who are in the pre-group and post-groups and how we do it. It is not whether we do it. It is how we do it and what means will we use to do it. I think the House has heard very clearly from this side that this will be done.

Government Orders

• (2155)

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Chair, I have great respect for the hon. member from Vancouver. The reality is when Mr. Alan Rock set up this program, it was a program designed for lawyers, not for victims.

We all know Crawford. Try to get information out of Crawford who handled this fund. It is extremely difficult. It is exempt from freedom of information. Try to get information from Crawford about where the money is going.

The hon. member knows that many people outside the window have already died. She may recall a gentleman in my riding named Bruce DeVenne who has sent many e-mails to many members of Parliament. The money from the Canadian taxpayer was meant to go to the victims, not to the lawyers.

Of the money that was given to Crawford to handle the fund between 1986 and 1990, how much of that money went to lawyers and how much of that money went to victims?

Hon. Hedy Fry: Mr. Chair, I am unable to answer that question. I do not have that information. However, we can go back over the past and we can talk about what happened and what did not happen or we can deal with what we need to do now to immediately assist persons who are currently suffering and who are in need of assistance.

We should talk about that. We should not talk about whether we do it, or who did not do it the last time, or how many lawyers got money or how many angels danced on the head of a pin. We should talk about whether we will be able to do this, how we will do it and then get on with it. I think that is what the member heard the minister say.

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Chair, with all due respect to the hon. member, it is important that we acknowledge the history surrounding this tragic episode in Canadian history. I do not think asking questions about why decisions were made by members of the government back seven years ago is angels dancing on the head of a pin. It is important to understand this issue in the context of how the decision was made and why it was made. In essence it was really not about affordability. It was not about whether we had the money to support all victims of tainted blood. It was about a government, at that time, that refused to accept responsibility for the culpability or the dereliction of duty found within its own ranks.

In my view, there is no question about the evidence being available that could have formed the basis for a much more rational decision-making process. That evidence was deliberately ignored. In the final analysis the government refused to accept responsibility for it and chose a roundabout way to try to address the issue. It chose a system that really created two new tiers, two sets of victims.

It is important not to diminish and dismiss these kinds of questions around the history of this event. As far as I can tell, and I have studied this issue inside and out, it points to inappropriate decision-making on the part of the government of the day and a failure to take responsibility for dereliction of duty.

• (2200)

Hon. Hedy Fry: Mr. Chair, the member obviously did not listen carefully to what I said at the beginning.

I am not diminishing or dismissing what has happened. I think the history of what went on and the history of the events is very clear to people like me. I was not in this House when the whole issue began to unfold with regard to hepatitis C. I was a practising physician at the time. I had many patients who were ill. We did not know what was wrong with them. We had no name for the illness. We called it, as I said earlier, non-A, non-B hepatitis, because we did not know what was causing it. There was not a precise test to diagnose it.

We knew it was a virus. When we knew there was a virus that was sort of indeterminate, we did not begin to test for that. Everyone has accepted that kind of responsibility. Other countries were testing. We have accepted that the United States was testing in 1986. In many instances the North American continent tends to have an equivalent level of care that we look at together. We did not follow that level of care. As a result of that, the government accepted fault, according to tort law. We discussed fault and because of fault in that window of opportunity, there was compensation given to a group of people who were harmed by that negligence. Therefore, it is not dereliction of duty and it is not running away from facts.

It is very easy to attribute reasons for why people do things when one is not in the head of the person who did it. I think that means that one presumes that group of people are in many ways dismissive and lacking in compassion. I would never be so bold as to presume that of anyone on this side of the House or across it.

Let us stick to the facts. Let us stick to what happened. Let us stick to what we know. I think at the time people felt that they were doing the right thing. They were accepting blame during a period of time when it was felt that there was negligence and there was compassionate access to care for those who did not fall in the window. Now what we are saying is it would seem there is money there. Let us talk about that money, let us take that money, it is in trust, and let us do what we need to do in the process to find out whether we can use that money.

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Chair, I am very pleased to have the opportunity to split my time with my colleague from Sackville—Eastern Shore.

I am anxious to participate in the debate because many of us, I among this group of parliamentarians, were here in the House when this issue emerged and was debated day in and day out. I rose just a moment ago to ask the Liberal member from British Columbia a question because I believe that the government of the day had a choice.

I am not here to criticize or to question the compassion of members across the way. I am here to say that the government of the day in 1997 and 1998 had a choice and it chose not to do the right thing, the morally responsible thing and to follow the public accountability path. It chose to ignore all reasoned approaches to this issue and selected compensation for a specific period of time for a very defined group of individuals, ignoring the fact that many people outside that window had also contracted hepatitis C through tainted blood, even though the tests and evidence were available to the government to make a better decision.

Government Orders

I think it is important in this debate to set the record straight and to simply point out, which is what we said at the time, that as early as 1991 a test was available to determine tainted blood, which the government knew about but chose to ignore the evidence that was mounting.

I raise that issue because as we get closer to a final resolution of this sorry chapter in our history, we can address it from the point of view of what is necessary on a principled basis and not what will be done because money is available.

The point all of us have been making in the House tonight, at least on the opposition benches, is that we must make a decision soon to compensate all victims of the hepatitis C tainted blood tragedy, regardless of how much money is left over to support the victims between the 1986 and 1990 period. That is the essence of the debate tonight.

I do not want to talk about who has more compassion in the House. I want all of us to remember what the victims have gone through over these years and what the champions of this fight have been through. We need to remember the battles of people like Joey Haché who was in this chamber time and time again in that 1997 to 1999 period fighting, speaking out, biking across the country, knocking on our doors, making speeches and reminding us of our obligations. He is still waiting for justice to this day.

It is also important to remember people like Mike McCarthy who has been the head of the Canadian Hemophilia Society for all this period and has never given up the battle in his search for justice.

Today we come together, not out of anger and not out of despair, but of remembering how we missed a responsibility many years ago and how today we have an obligation to finally meet the challenge and do what is right. If we do anything out of today's debate it should be to say, with one voice, that the government of the day must make a decision to compensate all the victims of the hepatitis C tainted blood scandal, regardless of when they were infected, as soon as possible, on a matter of principle, not on a matter of cost affordability or dollars available.

• (2205)

We in the House owe a debt of gratitude to all those people who have fought for this, who never gave up faith and who never stopped speaking out for justice so that we would not have a system of two tier compensation and so that those victims had the means by which they could afford the necessary medicines that they needed. Those are the people who want us to say with one voice that we accept our responsibilities as parliamentarians and that justice will finally be handed out to those who deserve this kind of response on the part of this highest court of the land.

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Chair, as my hon. colleague was the NDP health critic during the time of that debate, does she remember Allan Rock, the minister of health at the time, saying “care, not cash”? Those words sounded great but the reality was that he put a restriction on the people who would receive the care between the years 1986 and 1990.

What we found out was that the money went to a firm called Crawford. Crawford is a firm made up of a bunch of lawyers, not a bunch of victims. These lawyers obviously charged for their time

and some of them did extremely well and are still doing extremely well living off the avails of the funds that were meant to go to victims.

Does my hon. colleague, who is a well learned and respected member of the House of Commons, know why the government turned the money over to an independent agency instead of giving it to the victims? The money was turned over to an independent agency called Crawford, which is made up of a bunch of lawyers who skimmed off everything they could, and are still doing so, and whatever was left may have trickled down to the victims between 1986 and 1990. That was one of the most disgraceful episodes that we have ever had in the House of Commons.

• (2210)

Ms. Judy Wasylycia-Leis: Mr. Chair, my colleague's question gets to the essence of the problem of the day, which was that the government of the day under Allan Rock refused to acknowledge its responsibilities for ensuring compensation for all victims who were affected by tainted blood through no fault of their own.

Rather than take responsibility for the fact that our health care system allowed this to happen, even when tests were available to identify the problem, the minister still refused to do the right thing. As a consolation prize, the government offered two things: a care not cash package and a fund to be allocated to certain groups and organizations to provide support to the victims of hepatitis C.

In the case of the care not cash package, many of the infected victims did not end up receiving the benefits from that program. To this day many in Canada have yet to receive a benefit commensurate with the kind of illness they are facing, the kind of medications required and the medical interventions that must happen. I would agree with my colleague that that was an ill-conceived scheme that did not even console those who were deeply affected by this tragedy.

The second program of providing supports for organizations to give self-help to the community also was of such a feeble amount that it hardly helped grassroots organizations anywhere across the country.

I just got off the phone with Susan Wish who is with the Hepatitis C Resource Centre in Manitoba. The centre has been struggling to provide a service to those in desperate need through volunteer labour and through constant efforts to raise money through donations. It has not been able to benefit from those federal dollars at any time over the last seven years.

The consolation prize that Allan Rock offered at the time was a feeble attempt to replace responsible action on the part of the government, and to this day we are paying for it.

Today we must focus on the need for the government to finally accept responsibility for compensating all the victims. With that comes the obligation to provide the necessary resources to access the health care system. In many cases it is alternative medicine that is not covered under our medicare system. We also must ensure that community based self-help groups that are there to ensure that people who have hepatitis C, which has destroying qualities in terms of a quality of life, have the help, the counselling and the supports they need to make it through an otherwise very difficult time in their lives.

Government Orders

● (2215)

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Chair, I thank the hon. member from Winnipeg for allowing me to share some of her time.

I mention the names of Bruce DeVenne, Neil van Deusen, Scott Hemming and Joe Haché. These are people who are infected with hepatitis C through no fault of their own. Three of them live in my riding and one of them lives here in Ottawa. He is a young man who years ago took a bicycle in Halifax and said he wanted to ride in every major centre in the country in order to bring attention to the concerns of people infected with hepatitis C outside the window. This was a young man who was going to receive the compensation because he was in the window of 1987. He was already taken care of. This young man thought not of himself but of other people throughout the country, those outside that so-called window.

What is really amazing is how cynical the Liberal government was at that time and still is. This was not about care or compassion for people who were suffering with a terrible disease through no fault of their own. This was about dollars and cents. That is all it was.

I remember very well when John Nunziata, the so-called disgraced Liberal of the GST debacle, walked across the floor and sat as an independent. He went to Allan Rock's desk, then the health minister of Canada, and put a hepatitis C ribbon on his desk and asked him to wear it. Mr. Rock did not even have the compassion in his body to wear the hepatitis C ribbon. That said a lot about the minister's intentions of what he was prepared to do. He was going to do nothing.

What I find most disgraceful, as a lawyer, is that the bulk of the funds went to a firm called Crawford, made up of mostly lawyers. Mostly the lawyers received the money. Why would a lawyer receive any money from a hep C fund from people who were infected with tainted blood? Why should those leeches of society receive money from something that was not intended for them? It was intended for the victims, not for lawyers who showed up and said they could argue this point or argue this case. I feel ashamed for every single lawyer at Crawford. I am absolutely ashamed that they accepted money from this fund that was meant to go to victims with hepatitis C.

Mr. Chair, I have no idea if you, or any member of your family, or any friends of yours have hepatitis C. I can assure you it is not a pleasant experience. The fact is it was inflicted on victims through no fault of their own. They had trust in the public health system. They believed in the Government of Canada and members of Parliament to protect their interests, and then they came to the realization that the blood was tainted.

I do not blame any member of Parliament. I do not believe for a second that any Liberal, Conservative, Alliance, Reform, Bloc or NDP member purposely tainted that blood. I do not believe that for a second. It was an unfortunate circumstance of errors that led to the result of hundreds of thousands of people becoming infected with hepatitis C.

However, lawyers should not be making any money from this. Every single penny of that should be going to the victims. Unfortunately, the Liberals at that time said they were going to

give it to a bunch of lawyers and they would distribute it to whomever they believed qualified under their circumstances. To this day, I will never ever forgive the government of the day for allowing that to happen. That money came from the taxpayers of Canada. The taxpayers of Canada said very clearly they wanted that money to go to the victims and not to the lawyers.

● (2220)

Hon. Robert Thibault (Parliamentary Secretary to the Minister of Health, Lib.): Mr. Chair, that the member would come into the House and slur a few words is one thing, but he has slurred the reputation of individuals, professions, lawyers and ministers like Allan Rock.

This government did not give funds to Crawford. Crawford was appointed to administer funds for the victims. A trust fund was created. A court created that trust fund. It was negotiated and professionals administered it. It was away from the government. It was out of the hands of the government.

The fund was there for those people. It was administered professionally, at arm's length. Now we want to see if there is an actuarial surplus in that fund and include more people. That is what the minister said here today.

Slurring a few words in the House is one thing, but slurring professions, individuals and well meaning people is beyond the bounds of the House.

Mr. Peter Stoffer: Mr. Chair, what do we expect from the Liberals? The reality is, arm's length means eventually out of reach. The reality is that the money was meant for victims. I do not think one of the lawyers at Crawford ever had hepatitis C. I never met them on a personal level, but why did the government give the money to a group called Crawford? Why could it not have given that money directly to the victims? The reality is that the government wanted nothing to do with it. It sounded good politically. It would give the money to an arm's length agency.

Pierre Trudeau said once, arm's length means eventually out of reach. That is exactly what happened. The government lost control of it. We asked many times. Bruce DeVenne of my area of Lower Sackville asked the government many times from 1998 to 2000. Even today he has asked questions and for information from Crawford. Crawford is out of reach for access to information. Just months ago he asked the Minister of Health a question. That minister said to him in a letter, "Go ask Crawford".

Why would the taxpayers of Canada accept the fact that the money would go to Crawford? Crawford has no responsibility to answer to anybody except itself. This is the part that gets stuck in my craw. It burns me up. It is simply not right. It is not fair. It is simply wrong.

The money from the taxpayers of Canada should have gone directly from the government to the victims, not to a third party and then to a certain box of victims. Those are the facts. That is the reality of today. How many people have died with hep C and have never been able to go to the government or to us and argue their point?

Government Orders

This is a tradition of the Liberal Party and Government of Canada, to delay, delay. The government gave it to an arm's length agency and passed it on to somebody else who dealt with it. When we ask government members questions, they no longer have responsibility because it was passed on to a separate agency. What a cop out.

I invited Liberals to come with me to Lower Sackville, Nova Scotia, and speak to Neil van Deusen and Mr. Bruce DeVenne who have hepatitis C. I asked them to speak to them and explain to them in the comfort of their own living rooms why the government did what it did.

I can assure the House, not one Liberal has yet taken me up on that invitation. However, I invite them now. With the U.S. election, how many are listening? I invite them now to come with me to the victims I have in my riding and explain the Liberal government's position. If they were willing to do that, I would be honoured to pay the flight down there because it would be very interesting to hear what they would have to say to the victims in my riding.

That is a travesty of justice. It is a sin that the Liberals can stand up in the House and say "Well, what is done is done and we are now moving to the future". Any member in the House who says that, especially members from Nova Scotia, should know better. My colleague from Digby knows better. He knows darned well that what the government did was wrong. Now it is trying to slough it off with any words or move the argument to other professions. That is simply wrong.

In conclusion, that money should have gone directly to the victims, not to a third party of lawyers. It does not demean lawyers. But no lawyer that I know of that works for Crawford got infected with hepatitis C. Yet they are making a mint off the funds from the taxpayer.

If a person is infected with hepatitis C and somebody else makes money from his or her pain, is that right? I would say no; it is wrong. It was wrong then and it is wrong now.

• (2225)

Mr. Gary Goodyear (Cambridge, CPC): Mr. Chair, I am honoured this evening to speak to the issue of hepatitis C compensation on behalf of not only my party, but more important members of my own community in my own riding that have this terrible disease.

I would like to begin by thanking the minister himself who appears to have a certain openness and compassion about this issue. That is refreshing.

Mr. Chair, if I could just ask, who am I to talk to when the opposite side of the House is empty?

The Deputy Chair: The hon. member knows very well that he is not to refer to who is absent or who is present. He will address his remarks and comments through the Chair.

Mr. Gary Goodyear: My apologies, Mr. Chair.

On April 28, 1998, an opposition supply day motion to extend compensation to everyone infected through the tainted blood scandal, so to speak, was defeated by a vote of 154 to 140. The key reason the government gave, and the health minister at the time repeatedly stated, for the fact that compensation would be limited to

the period of 1986 to 1990 was that there were no tests available prior to 1986.

In fact, on April 29, 1998, the hon. Allan Rock stated that there was a period during which the harm could have been prevented. That same day Mr. Rock stated:

Mr. Speaker, we are helping the hep C victims for the period when it was clearly determined that the government had responsibility. Between 1986 and 1990 it could have tested properly.

I would further add that a few days later, on May 1, 1998, the same Allan Rock stated:

Mr. Speaker, for the last five weeks in this House we have stood on the principle that governments should pay cash compensation when they have caused damages and when those responsible for the system could and should have acted.

In 1981 those responsible could and should have acted. An official message dated January 14, 1981, from the American National Red Cross stated that blood services providers should prepare to test all units collected and to avoid transfusion of units with elevated ALT values.

I know one of the hon. members present earlier commented that she had no idea what this virus was. Indeed, it was called non-A, non-B hepatitis. The fact is that these markers were well known to be the causative indicators of transfusion hepatitis, which has now been labelled hepatitis C.

I also have a letter dated May 22, 1981, from the Blood Transfusion Service in Ottawa to Health Canada in which it discussed post transfusion hepatitis and appropriate testing methods. I have a response to that exact letter indicating that it did know about this. The response is dated June 4, 1981. It states that these donors should also be tested for ALT, but that it is not set up to do that.

There are other examples around the world. For example, Germany had regulatory authority requiring all ALT testing prior to 1995. New York state began routine ALT testing in 1982. Indeed, France began its own testing in 1985. All of these are prior to this key definition date of 1986, so I do not think that argument holds true at all.

Let us talk about the alleged number of victims. Again on April 29, 1998, the hon. Allan Rock stated:

It was only because of the leadership of the federal government that 22,000 victims of hepatitis C have been offered \$1.1 billion in compensation.

There were no 22,000 victims. That was an overestimation by the hon. minister. I suspect it was not on purpose. Indeed, I doubt that any member in the House would ever purposely inflate these figures. I am only pointing out that we are now being asked to wait for further actuarial reports and I am not convinced that those figures will hold any more value than these figures.

We have come to know the true number of victims. As of March 31, 2004, which is the latest audit, only 8,800 claims have been approved and of those primarily infected that only represents about 5,000 victims. That is far below the initial estimate which was set up to provide \$1.1 billion for 22,000 victims.

• (2230)

Now that there are only 5,000 victims that we know of in that timeframe, clearly there is money set up for the other groups.

Government Orders

I can point out that for pre-1986 and post-1990, as of the end of September this year there are only 5,071 victims that have been approved by the Red Cross settlement. This is free money to those infected outside of the groups.

This makes very reliable figures that we have to date from these reports. So the bottom line on this second issue is that again the government is wrong in its estimates. There are not 22,000 victims in this 1986-to-1990 group, and indeed there are not 40,000 to 60,000 victims outside this group. The total number of victims appears to be a terrible number, but clearly a more moderate number, of approximately 10,000 victims.

The government's original responsibility is very clear. The fund's viability is also very clear. The original fund was \$1.1 billion, and it was set up to compensate 22,000 victims. We now know that there are far fewer victims than the government had predicted, but there is still \$1.1 billion in the fund. The reason for limiting compensation, according to the government, was because there was no testing prior to 1986. Well, that is simply not true. The evidence is very clear in the papers that I have today.

I would like to comment as well on the cash-not-care debacle. I am sure it was designed to be a good program, and it was approximately \$300 million set up to provide for drugs and other care that fell to these poor people outside of the provincial health care that was available. And indeed, as mentioned earlier by other members, some of the costs to these victims are astronomical. So there was money sent to the provinces by the federal government to the tune of \$300 million. The problem is clear that this money has not reached and may not reach the victims.

Here in Ontario the Liberals have misspent millions of this federal money that was earmarked for these victims. George Smitherman, the provincial health minister, has chosen to rob these victims by conveniently and incorrectly interpreting the government's legal obligation. Money that was meant for hepatitis C victims under this program has been funnelled into programs that these victims would normally receive.

This kind of convenient interpretation convinces the government, not the victims. In this instance, money given to the provinces, particularly in the case of Ontario, has once again broken good faith. I believe this money should be immediately returned and refunded to the federal government and used to further the compensation of these victims.

No more money should flow to pilfering provinces on this particular matter. It should flow directly to the victims. The current Liberal government in Ontario cannot be trusted any more with this additional money, and therefore should not be trusted by their federal counterpart.

In closing, I would like to say that the administration fees are approaching \$250,000 a month. Waiting until next summer for another report will only help the administrators, accountants, and lawyers. There are people and corporations that have been charged with various criminal activities, and administrators and bureaucrats are making money off this situation, not the victims.

The government's estimations of the victim numbers were, like their surpluses, wrong. They were wrong in their estimates. They

were wrong on their dates when the tests were available. They were wrong in their assessments of the impact, and they are still wrong. If they do not vote for full inclusion of all victims, they will remain wrong.

● (2235)

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Natural Resources, Lib.): Mr. Chair, I am not as well versed on this as some members of the House. I rise primarily just to put on the record information from a person in my riding who has approached me recently related to this, so that people can understand the situation this person is in and any help that we might be able to provide.

I will read parts of this person's letter to me. It states:

I am a third-generation Yukoner. My deceased husband...was not a Yukoner but came here in the forties and was a member of the Yukon Order of Pioneers. ... He enjoyed his job and especially sports coverage.

He had to have a heart operation in 1995, which occurred at St. Paul's Hospital in Vancouver. From a blood transfusion he contracted Hepatitis C. He died on June 6, 1993, at the age of 61.

Needless to say that losing my husband of 23 years was devastating not only for me but for his four children (from a previous marriage) and my two children (also from a previous marriage). He has grandchildren who never got to know him.

Our plans to retire on our property near Champagne will never be seen. It is very hard for me to this day trying to understand how something like this could have happened when the proper testing should have been done. After Terry had his operation both his daughter and myself commented that he had a yellowish tinge, and when Terry questioned the nurses he was told it was from the operation. No tests were done for Hepatitis.

My life is very different today.

She goes on to say how she is living on pensions. And she goes on:

As you well know, the cost of living in the Yukon is very high. I live at Champagne in my son's house to be near my 92-year-old mother and stepfather. My daughter and both my grandchildren live in Whitehorse, and with the gas prices soaring it becomes quite expensive to visit them and attend school functions.

This is only one of many tragedies in the hepatitis C story. I would certainly applaud anything that can be done to help my constituent in these difficult circumstances under any provisions of government.

I would like to add some information for the record with respect to hepatitis C on some of the elements that the government has pursued.

We certainly want a strong blood supply system that can respond to all existing and future threats. That is why a plan was put in place to address the unique needs of people living with hepatitis C as well as those of the blood system as a whole.

I will talk a little about the undertaking initiative and provide some context and background for that.

The Government of Canada, along with its provincial and territorial partners, announced financial assistance for people who contacted hepatitis C between January 1, 1986, and January 1, 1990, and for infected persons with hemophilia who received blood products during that period.

This was the period during which the United States was using tests that might have screened out some units of blood contaminated with hepatitis C, had we used them here in Canada.

Government Orders

This \$1.1 billion compensation package included \$875 million in federal funding and is providing financial relief to thousands of Canadians. In fact, since for most payments under the settlement there is no income tax, the total value is approximately \$1.5 billion.

There are also Canadians who contracted this disease both before and after those dates who do not fall within the terms of the negotiated settlement.

In September 1998 the Government of Canada announced a comprehensive \$525 million hepatitis C strategy to meet their needs. Our goal is to help people with hepatitis C while better protecting all Canadians from threats to the safety of our blood supply.

The biggest share of that investment was earmarked for the undertaking initiative. This agreement committed the Government of Canada to transfer \$300 million to the provinces and territories over 20 years to ensure that infected individuals would have reasonable access to hepatitis C health care services.

I would like to examine the impact and status of that agreement, which is now administered by the new Public Health Agency of Canada. The undertaking agreement states that the provinces and territories must earmark transfer payments for health care services related to the treatment of hepatitis C infection and related medical conditions, such as immunization, nursing care, new and emerging antiviral drug therapies, and other relevant drug therapies.

• (2240)

Under the terms of the agreement, provinces and territories determine the mix of services that best suits the needs of their citizens. This kind of flexibility was considered crucial to reflect the needs of different jurisdictions.

In the case of Ontario, which bears nearly half of the hepatitis C burden in Canada, doctors in that province perform about 90 liver transplants related to hepatitis C every year. Over the 20 years of the undertaking agreement these transplants will cost about \$217 million, with the Government of Canada paying well over half of that, \$132.6 million.

As we learned a few weeks ago, the undertaking initiative allows Ontario to use its transfer payments under the agreement as it sees fit for health care services related to hepatitis C.

Other jurisdictions may have different priorities. Some may use the funding to provide specialized hepatitis nursing support, extensive state-of-the-art laboratory testing, or to buy medication.

While provinces and territories have the flexibility to implement the agreement, they are still accountable to their respective populations on the use of their funds, and the Government of Canada has the right to reduce, adjust, or terminate funding if evidence shows that a jurisdiction has not tried to meet the shared objective of the agreement. To that end, the Government of Canada plans to evaluate the activities of each jurisdiction in this area every five years, as the provinces and territories report to their citizens.

The Government of Canada takes its responsibility to evaluate the implementation of the agreement very seriously. We are soliciting feedback from affected individuals through Health Canada's website,

a function that the new Public Health Agency of Canada will take over.

We also assess publicly available information on the access and types of services, including announcements from the provinces and territories, drug plans, eligibility requirements for existing programs, information and feedback from community groups, and complaints sent to the minister or reported through the news media.

Members may recall citizen complaints and media reports that suggested the provinces and the territories were not using the funds in accordance with the intended agreement. In response, the Government of Canada held informal discussions with all jurisdictions last February about the use of these funds. From these discussions, it appears that the provinces and territories are providing hepatitis C health care services in accordance with the terms of the agreement.

That said, we will continue to monitor implementation. Canadians living with hepatitis C, health professionals, and provincial and territorial governments will be able to help evaluate the types of services provided by all jurisdictions.

Since the agreements were signed at different times, the evaluations are staggered over the next three years. It is interesting and important to note that Ontario is not due for its evaluation until 2007, but released an interim report this year, three years ahead of schedule.

Many Canadians currently infected with hepatitis C contracted the virus between 1986 and 1990, but thousands came into contact with it before and after these dates. As a society, we want to ease the burden of affected individuals who were not part of the original settlement. This is the intent of the undertaking agreement, which provides funds to provinces and territories for health care services related to hepatitis C.

Over the next 20 years, federal transfers will help provide Canadians who have hepatitis C with access to needed hepatitis C health care services. It is a flexible, sensible, and compassionate approach to meet the needs of affected people.

In conclusion, as the previous speaker said, I hope that in the days to come we will look on this situation and on people such as the constituent I talked about at the beginning of my speech with compassion and come up with the best assistance we can to improve their lives after this devastating experience they have had and that this disease has wrought on them and their families. Anything we can do, I will certainly support.

• (2245)

Mr. Gary Goodyear (Cambridge, CPC): Mr. Chair, I would like to thank the hon. member for his comments and his commitment to solving this problem on behalf of all victims. I have no doubt that he is compassionate and will work with all opposition members to bring a solution to this.

Government Orders

It is clear that the issue must and can be effectively and compassionately completed and closed. By the government's own admission this is the government's fault and the government's responsibility. We must open this billion dollar trust fund to all victims. Either we do that immediately or the government must immediately recognize that it is its responsibility and let the victims know that they will be compensated.

Does the member not agree that this debate should not be about what we are going to do with the surplus, assuming we have one and maybe we do not, but this is about what we need to do for the victims? Given the fact that the government is responsible for this issue, the amount of money that is in there and how long we wait for reports is really not relevant. The issue is that the government must stand up and put some motion behind its commitment to these victims, and either open up this fund to these victims now, not next year after more have unfortunately passed away, or put up the money now and get it from the fund when it is satisfied that the money is there.

Hon. Larry Bagnell: Mr. Chair, I accept my hon. colleague's apologies about our not being in the House.

I agree with him on the openness of the health minister to use that fund. I am confident the health minister will use that as soon as he can, and as appropriately as he can. I also agree with the comment, and I am sure a number of colleagues have said it but the most recent was by my colleague from the NDP, that the debate is not about the technicalities of the fund. The debate should be about doing what is right, doing it as quickly as possible and helping people as reasonably and effectively as we can. Anything we can appropriately do to support victims, I will certainly be supportive of.

• (2250)

Hon. Robert Thibault (Parliamentary Secretary to the Minister of Health, Lib.): Mr. Chair, it is a great pleasure and an honour for me to participate in this debate this evening. The tone of the debate, which was set initially by the minister and by members from all parties, has been very good, very constructive. We all want to meet a similar objective and I am very pleased by the will of everybody to continue in a constructive way.

Like all my colleagues I have been touched by the heart-rending stories of personal suffering from individuals who have contracted hepatitis C through the blood supply. As a government and a society, we have the duty to help victims of hepatitis C as generously as we can to ease the burden of that disease which for some may be with them for the rest of their lives.

I am happy to report that advances in treatment, particularly over the past five years, have eased that burden significantly for many. For the most persistent strain of the infection, new treatments can reduce the level of the virus to undetectable levels in the blood by up to 50%. For some this is tantamount to a cure, meaning they have been able to resume their normal lives and careers. We are also making great strides in research, such as the development of an animal model, a mouse for hepatitis C research that is facilitating progress in important areas such as treatment and vaccine development.

There is no doubt that hepatitis C remains a serious problem and a challenge to our society. It is estimated there are about 250,000

persons currently infected, with 5,000 new infections occurring each and every year. Every year about 1,000 Canadians die from hepatitis C related illnesses.

This is why the Government of Canada has committed \$1.4 billion to address the unique needs of people living with this terrible disease, as well as on research in improving the blood supply in Canada so that such a tragedy will not be repeated in the future. Today Canada's blood supply is among the safest in the world.

[*Translation*]

As you know, in the late 1990s, the Government of Canada adopted two distinct funding streams to help people infected with hepatitis C: one that directed financial compensation to people who contacted hepatitis C through the blood supply between 1986 and 1990, and one for those who became infected either before or after that four-and-half-year window.

This approach made sense at the time, and it makes sense today. This government tacitly acknowledged a responsibility toward people infected between 1986 and 1990 and offered them a financial compensation package that, over their lifetimes, will be worth a total of \$1.1 billion. Of that, \$875 million came from the federal government.

This period was singled out because it bracketed the starting date in which surrogate tests, which were not always reliable, began to be used by U.S. blood bank operators, and the date Canada instituted a specific hepatitis C screening test, which became available in 1990 and was more reliable than the surrogate test.

[*English*]

It is important to note that the unprecedented compensation package resolved the largest class action suit ever launched in Canada and spared victims of hepatitis C perhaps up to a decade in litigation in the courts. The government also recognized that regardless of when people contracted hepatitis C through blood they too were suffering and required assistance.

In September 1988 the federal government announced a comprehensive \$525 million hepatitis C strategy that included strengthening the safety of the blood system and supporting prevention and treatment through community based initiatives and scientific research. The largest share in the federal investment involved the transfer of \$300 million over 20 years to the provinces and territories. The purpose of this undertaking was to ensure that people infected with hepatitis C before 1986 and after July 1, 1990 did not incur financially crippling out of pocket expenses for medical treatment.

The initiative was called "Cash, Not Care" and was not meant to be given directly to hepatitis C victims but to help provinces and territories pay for health care services to victims, such as liver transplants, nursing care, laboratory services and drug plans.

Government Orders

• (2255)

[*Translation*]

The federal government is required to conduct an evaluation of this program's effectiveness every five years, and we intend to follow through on that undertaking. Some provinces and territories signed the undertaking agreement in 1999, so the first of those reviews will be conducted later this year. Since 1999, we have been monitoring and collecting information on access, types of services, drug plans and formularies, and complaints from individuals.

This year, we have conducted informal telephone interviews with hepatitis C officials from every jurisdiction. The information gathered will be used by Health Canada in its reviews.

So, this government has put in place a generous and comprehensive plan to help all hepatitis C sufferers, as well as programs designed to combat spread of the disease and help research to improve treatment and find a cure.

[*English*]

We are not deaf and unsympathetic to those voices that say the initiatives are not working as well as intended or that the situation has changed since the agreements with the provinces and territories were signed. We are not unsympathetic to the suffering of victims, both physical and in some cases financial.

For instance, the extremely high cost of hepatitis C health services may have eroded the effectiveness of the \$300 million package. In 1998 interferon was the only licensed hepatitis C drug therapy and it cost about \$7,000 per year, per person. Today a combination of drugs that are much more effective is available but the cost is about \$24,000 for a 48 week course of treatment.

Meanwhile, there are indications that there might be a surplus in the \$875 million federal fund that is being used to compensate persons who became infected in the 1986 to 1990 period. The reasons are varied.

First, the money deposited by the federal government has been well invested and in spite of payments of about \$388 million to over 9,000 claimants so far, the fund still contains \$865 million as of March 31, 2004.

Second, as treatments of hepatitis C become more effective in restoring the health of many sufferers, fewer and fewer victims are eligible to receive the higher levels of compensation meant for those most adversely affected.

[*Translation*]

I must make it clear that this so-called surplus—and it will be up to the courts to determine if there is one in June 2005, after considering that payments to victims may continue for as long as 70 years—is not the government's surplus.

It belongs to the beneficiaries of the trust that was established by the courts under the settlement agreement with those individuals. Opening up the trust to share with pre-1986 and post-1990 victims would require the agreement of the trust's beneficiaries, the provinces and territories, as well as the courts in British Columbia, Ontario and Quebec.

[*English*]

In conclusion, I want to assure everyone in the House that this government continues to generally support victims of hepatitis C in a variety of ways, as well as helping finance advances in prevention, treatment and search for a cure.

I also want to stress that we are aware that circumstances for victims have changed, and I might add thankfully in most cases they are for the better and they are continuing to change. We are always exploring ways to adjust and improve services to meet the unique needs of Canadians still living with this terrible disease.

Mr. Pierre Poilievre (Nepean—Carleton, CPC): Mr. Chair, in my constituency I have a number of citizens who have been afflicted with this terrible tragedy. I have visited them in their homes and they have been to my office. They have come to me to tell me their stories. That is why I felt it so important at this late hour to come to the House of Commons to tell those stories to all members.

I have seen how bright, vibrant lives have been reduced to misery by the government's failure to properly test the blood that was being injected into the veins of Canadian citizens, ultimately poisoning them with an irreversible disease with which they now suffer and from which many have now died.

That is why I find it so enormously frustrating to see the government's failure to compensate all victims of this odious tragedy. The government has failed to compensate those who do not meet a very specific and limited criteria. I reject the reasons that back up that decision.

It is clear that the testing was available before 1986. It is clear that the government should compensate those people who were relying on the government to protect them.

It is more agonizing to learn that the compensation that has been set aside and allotted to the victims outside the years 1986 to 1990 has not actually arrived on their doorstep. That money was meant to provide victims with largely the basic medical necessities that resulted from their illness. Yet we learn that over \$100 million has not been passed on to those victims, that it sits in some provincial coffers, that it has been used for general revenues by the provincial government. Indeed, that is outrageous.

I want to know, will the hon. member stand in this House and offer a clear remedy on how he and his party will finally hold the McGuinty provincial government in Ontario accountable for the roughly \$130 million that has not been allotted to the victims? The money came from the federal government and was meant for the victims, but was intercepted halfway by the McGuinty regime and has been directed erroneously to general revenues. What will the government do to hold the McGuinty regime accountable for intercepting the funds that were meant to go to the innocent victims of this tragedy?

• (2300)

Hon. Robert Thibault: Mr. Chair, I am reminded of a friend who passed away not so long ago who said that he would never be accused of being two-faced because if he had another one he would not wear the current one.

Government Orders

I listened to the member opposite and I remember a vote earlier this evening where we had the socialists, the separatists and the opportunists suggesting that there was a fiscal imbalance. In another debate they said that we had to give confidence to the provinces, that we should not be getting into their jurisdictions and that we should not be a big brother to the provinces.

Mr. Pierre Poilievre: This is federal money. This is money you paid.

Hon. Robert Thibault: In all cases it is.

In another debate they talked about transfers and said that we were not giving enough in transfers and that we needed to give more.

What does the member ask tonight? He asks how come we have not been over the shoulder of Ontario all the time.

I will tell the member that under the agreement that transfers the money to the provinces, the provinces have agreed to tell us how they have used the money. The minister has invited them to tell us before the agreement expires so and that we find out first.

The money is transferred to the provinces over a period of many years so that they will provide the services necessary for those people because there are many additional costs for those people and we do not want to put them to be in financial hardship. We work through the provinces. It is called cooperative federalism. It works very well and we will continue to work that way.

Mr. Pierre Poilievre: Mr. Chair, it has not worked that way. The dollars were earmarked. They were specifically set aside for this purpose and they were redirected to other purposes. Those moneys have been stolen.

Let us not mince words. The moneys were specifically meant to compensate for the medical costs associated with this tragedy. It was not just an extra \$130 million that the McGuinty regime could spend however it wished. It was \$130 million to the province of Ontario to compensate for the medical costs associated with this tragedy.

It is interesting that the Liberal Party, which appropriates itself the moral authority to call itself the protector of Canadian compassion, has done nothing to ensure that those dollars arrived for those who were most in need. It is also interesting that their arch enemy, Mike Harris, was the one as premier who gave \$25,000 per victim in compensation to those who suffered from this tragedy outside of the years 1986 to 1990.

The member knows that this has nothing to do with cooperative federalism. It is not cooperation when one level of government intentionally misdirects dollars from another level of government. That is theft. It is not only theft from the federal government, it is theft from the victims of this tragedy. If he and his party truly had the compassion that they so often brag about, then he would stand in the House of Commons right now and condemn the McGuinty government for failing to send those dollars to the victims. Will he?

• (2305)

Hon. Robert Thibault: Mr. Chair, what I will condemn is for one parliamentarian to be raising that type of accusation against the provincial government without showing absolute proof. I mean that is beyond contempt.

I recognize that the hour is late and the member is young and new and perhaps a bit cranky at being up at this time of night but he should not be making those kinds of accusations of theft and stealing. The provinces have the responsibility to provide the service, which is the agreement they entered into with the federal government. They also have the added responsibility to report on how they use the money, but that day has not come yet.

The minister has recognized that there is concern in the population as to whether the money is being used properly and whether it is all going to the intended purpose, which is why he has invited the province of Ontario to report earlier, to make its intent and the services that it is providing known.

The government is asking the same thing of all the provinces but we would never use that type of inflammatory language.

Mr. Gary Goodyear (Cambridge, CPC): Mr. Chair, with all due respect for the hon. member, this is not fiction. This is fact. The hon. member knows that Mr. Smitherman has already admitted that he does not intend to use this money for these victims.

The federal government has offered \$130 million to the province of Ontario. The minister in charge of that money within the province has already admitted that he has no intention of using that money for these victims.

It is my suggestion to this hon. member that he respond. Will he continue to give the province of Ontario the balance of the \$130 million or will he stop that now, give it to the victims directly without this middle man issue and request that the original amount of money, some \$60-plus million be returned to the federal government so that we can give it to the victims who properly need it and deserve it?

Hon. Robert Thibault: Mr. Chair, in my power as a parliamentarian and even as a parliamentary secretary, I do not believe that I can order funds to be used in such a way. However, I can assure the member that the minister will ensure that Ontario and every province lives up to its agreement and that the money be used for the intent. That is their responsibility. We have confidence that they will, and we encourage them to do that.

The other thing is the question of compensation for the victims. We do not see it as an if/or situation. One is to help the provinces to give the services to the people requiring it because of the additional cost. The second is an individual financial compensation to victims on which the minister has made his intentions quite clear today.

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Natural Resources, Lib.): Mr. Chair, issue was taken earlier with regard the method of providing the administration of the 1986 to 1990 victims fund. Could the member outline for us the process that was used to administer those funds?

Government Orders

• (2310)

Hon. Robert Thibault: Mr. Chair, the method used in cases like this is quite usual. An agreement was reached between the plaintiffs, the class action people, and the federal and the provincial governments on creating a trust fund. That agreement was presented to the courts and was accepted by all parties. It was set up with either the courts direction or with the agreement that an individual third party professional organization would manage those funds. The fund was not given to them. They are the trustees. They act on behalf of the trust, investing the money.

There was also great expense, as was mentioned. They had to come out with the criteria on how individual claims would be evaluated, who would get what level of funding and how that would

be done. That is quite normal. It is administered by a third party, by professionals in that area.

I know in the drunken enthusiasm of the member from Sackville, he mentioned it as giving money to lawyers. I think a more sober reflection by the member would indicate that it was done in a very professional manner, as it should be and would be, directed by the courts.

The Deputy Chair: It being 11:13 p.m., pursuant to Standing Order 53.1 the committee will rise and I will leave the Chair.

The Acting Speaker (Mr. Marcel Proulx): The House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24 (1).

(The House adjourned at 11:13 p.m.)

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