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OFFICIAL REPORT
(HANSARD)

Thursday, February 21, 2002

—

Speaker: The Honourable Peter Milliken

CONTENTS

(Table of Contents appears at back of this issue.)

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HOUSE OF COMMONS

Thursday, February 21, 2002

The House met at 10 a.m.

Prayers

● (0955)

[English]

PRIVILEGE

STANDING COMMITTEE ON FINANCE

Ms. Marlene Catterall (Ottawa West—Nepean, Lib.): Mr. Speaker, on Wednesday, February 20, 2002, the hon. leader of the official opposition raised a question of privilege in which he made several assertions concerning my conduct and behaviour. He has raised a most serious issue of privilege and I take it very seriously. Therefore I asked for and appreciate the chance in the House to consider his comments and respond more fully.

You know better than anyone, Mr. Speaker, that for the business and decorum of the House it is vital that House officers work together in a spirit of courtesy, honesty and integrity. That is a responsibility I take very seriously. This is what I have done consistently, not as a tactic and not as a way of operating but as a genuine expression of my real respect for those people with whom I have to work, for you and for the House, Mr. Speaker.

I was accused yesterday in the House of intimidation, of harassment, of goonish misconduct, of threatening not only my own colleagues but opposition members and a staff member of the official opposition, and of running roughshod over the rights of opposition members.

All these accusations arose simply because I was doing my job, carrying out my responsibilities as chief government whip, responsibilities I have in common with every other whip in the House. For instance, the standing orders specifically provide that our responsibilities as whips, individually and collectively, are constituted as a steering committee for the purpose of naming the membership of committees in the House. A committee is only constituted when the chief government whip asks the clerk to convene a meeting of the committee for the first time.

In carrying out these duties and others the five whips regularly consult with each other. It is not unusual for us to communicate directly with each other or through our staffs. I will regularly communicate with them, as they will with me, a course of action I would like to see taken and ask for their support. The other whips do precisely the same. They have done on numerous occasions and will continue to do so, I trust, in the future.

I categorically deny the accusations brought against me by the Leader of the Opposition. At no time did I intimidate or harass anyone. Nor did I have any intention of doing so.

In his statement the hon. leader chose to accuse me of feeling free to intimidate government members. This accusation too is simply false. I taught my children at a young age not to be bullies and not to give into bullies and I have not become one. The hon. Leader of the Opposition also stated that parliament must use all its powers to condemn any conduct of harassment. On this I agree totally.

I want to refer only briefly to the statement by the hon. member for Regina—Qu'Appelle with whom I have a relationship going back 13 years. I am appalled that he would repeat as fact an allegation concerning my conversation with the Parliamentary Secretary to the Minister of National Revenue which she has denied, which I have denied repeatedly, which he knows has been denied, and which he only heard, he claims, third hand.

As for the member for Kings—Hants I similarly deny any attempt to intimidate or coerce him into any form of action. To request his co-operation is a legitimate part of my function.

I particularly regret, however, if a member of the whip's staff of the official opposition felt intimidated. We had a conversation in which I communicated with her as she or another representative of the opposition whip communicate with me on numerous occasions. I hope we will continue to do that. I certainly did not intend to intimidate or to harass. I regret very much if that were the impression she was left with.

● (1005)

Once again I categorically deny, as I did yesterday, the statement attributed to me and any action of intimidation, harassment or anything else I have been accused of. I look forward to a continuing good relationship with the other House officers in this place.

The Speaker: The Chair has heard the submissions of the chief government whip on the question of privilege raised by the hon. Leader of the Opposition yesterday and commented upon by the hon. member for Regina—Qu'Appelle and the hon. member for Kings—Hants.

Routine Proceedings

I have heard all the material and I must say that having heard the explanation of the chief government whip, and having heard the words that she was alleged to have used in direct quotes, not the third party ones, I am satisfied that there does not appear to be any question of privilege and that, indeed, the discussions that went on, while they may have been interpreted one way or another, were ones that are normal in the House and certainly normal between whips.

I say that never having been a whip but having been whipped the odd time, and not by the current chief government whip, I may say. I am sure all hon. members have experienced the joys of whipping from their whip except those very few who sit as independents in the House. We appreciate that sometimes this work involves discussions that are quite frank and sometimes might be perceived as intimidating.

In my view, given the explanations we have heard today and the comments that we heard yesterday, there is not a question of privilege here and accordingly I consider the matter terminated.

ROUTINE PROCEEDINGS

• (1010)

[English]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I hope no one will be intimidated that pursuant to Standing Order 36 (8) I have the honour to table, in both official languages, the government's response to three petitions.

* * *

[Translation]

INTERPARLIAMENTARY DELEGATIONS

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, pursuant to Standing Order 34, I have the honour to table, in both official languages, two reports by the Canadian branch of the Assemblée parlementaire de la Francophonie and the related financial report.

The first report is on the political committee meeting, held in Paris, France, from January 25 to 27, 2002. The second report has to do with the executive committee meeting, also held in Paris, France.

* * *

COMMITTEES OF THE HOUSE

OFFICIAL LANGUAGES

Mr. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the seventh report of the Standing Committee on Official Languages. I am pleased to present this final report on the services provided in both official languages by Air Canada.

This is the outcome of close to ten months' work, and we hope to raise the awareness of the government and all parliamentarians on the importance of compliance with the Official Languages Act by this country's largest air carrier.

[English]

The committee wishes to underline the outstanding collaboration and support of the people who appeared before the committee and also of the people who serve the committee.

[Translation]

We wish to thank the researchers in the Parliamentary Research Branch of the Library of Parliament, Françoise Coulombe and Robert Asselin, as well as the clerks, Tonu Onu and Jean-François Pagé, and their support staff for their invaluable co-operation. I also wish to thank my administrative assistant, Royal Galipeau, whose influence is felt pretty well throughout the report.

I would like to particularly mention the staff of the Parliamentary Publications Branch, as well as the House of Commons translation services, for their remarkable job within deadlines that were close to impossible.

Finally, thanks to the numerous Senators on the joint committee for their excellent contribution to the work of the committee, and to this report in particular.

In addition to the recommendations contained in the report, we are asking some questions of the government, a new formula we trust will attract its attention. We are calling for a response within 150 days as stipulated in the standing orders, but sooner if possible, so as to expedite the task before us.

[English]

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance): Mr. Speaker, I rise on a point of order. I seek unanimous consent of the House to present a dissenting report to the report of the Standing Joint Committee on Official Languages.

The reason for which this dissenting report is being submitted in this unusual manner is that the committee adopted a rule last Monday at its sitting which stated, if I may quote, that:

Pursuant to Standing Order 108(1)a), the Committee authorize the printing of the dissenting or supplementary opinions by Committee members as an appendix to this report immediately after the signature of the Co-Chairs, that the dissenting or supplementary opinions be sent to the Co-Clerk of the House of Commons, in both official languages, on/or before Tuesday, February 19, 2002 at 5:00 p.m.

I was in Toronto on February 19 and was flying back to Ottawa on a flight from Toronto Island airport. An electrical fire developed in the airplane and it was forced to turn around and return to the airport. It was quite exciting, actually. There were rescue vehicles and the trucks that spray the foam out on the runway. It slowed us down. The result was that by the time I was able to reschedule my flight and come to Ottawa the deadline had passed.

It was not possible for the committee to change its rules in that very short period of time. Moreover, it would have been impossible for the committee to print its report in time to place it before the House today. For that reason the committee was unable to change direction on a dime, as it were, and allow me to submit this dissenting report.

That was the reason for the failure to submit it by the deadline. There was no ill will on anyone's part nor were the rules that were set up in any way meant to cause this sort of situation.

So that members who are trying to decide if they would give their unanimous consent are aware, the nature of the dissenting report is not to disagree with the points of substance in the main report but rather to present a different philosophical point of view in which I maintain that the rules that affect Air Canada, by being different from the rules that affect other airlines, create an unlevel playing field. Fundamentally this is in conflict with the rule of law. That is the substance of the distinction between what I am saying and what the report of the committee as a whole is saying.

On one last note, I wish to second the thanks that the chairman of the committee has given to the clerk of the committee and to the researchers and others who helped the committee.

• (1015)

The Speaker: The hon. member for Lanark—Carleton has given an explanation. Does the House give its consent for the tabling of this dissenting report?

Some hon. members: Agreed.

* * *

PETITIONS

ANTARCTICA

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I am very pleased to rise to present a petition not only from citizens from the Peterborough area and Lakefield, but also from communities like Sidney, East Saanich and Victoria in British Columbia, and from Hamilton, Brampton, Dundas, Thunder Bay, Toronto and Simcoe in Ontario. These are citizens of Canada who are concerned about Canada's role in Antarctica. They point out that the Antarctic continent contains a pristine, scientifically valuable environment that is in need of protection.

They also point out that Canada, despite being a polar nation, lags behind many nations as far as environmental initiatives in Antarctica are concerned. The environmental protocol to the Antarctic treaty system presents practical guidelines concerning environmental issues in Antarctica. These citizens call upon parliament, representing a signatory country to the environmental protocol, and say that Canada should ratify all of that protocol's guidelines in Canadian law.

KIDNEY DISEASE

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I would like to present a petition from many citizens of Peterborough who would like to see the name of the Institute of Nutrition, Metabolism and Diabetes, which is one of the Canadian Institutes of Health Research, changed to include the word kidney. These citizens believe that the fine work this institute does would be improved if the general public could understand its title.

They call upon the Canadian Institutes of Health Research to explicitly include kidney research in one of the institutes in its system, to be named the institute of kidney and urinary tract diseases.

* * *

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if

Government Orders

Question No. 84 could be made an order for return, the return would be tabled immediately.

The Speaker: Is that agreed?

Some hon. members: Agreed.

[Text]

Question No. 84—**Mr. Peter MacKay:**

With respect to victims of crime, what is the number of lawsuits filed against Corrections Service Canada and the National Parole Board since 1988, and what is the nature of each such lawsuit?

Return tabled.

[English]

* * *

QUESTIONS ON THE ORDER PAPER

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

• (1020)

[English]

SPECIES AT RISK ACT

The House resumed from February 20 consideration of Bill C-5, an act respecting the protection of wildlife species at risk in Canada, as reported (with amendment) from the committee, and of the motions in Group No. 1.

Mr. Ted White (North Vancouver, Canadian Alliance): Mr. Speaker, yesterday when we finished up the opposition was lambasting the government because of its failure to bring forward a useful species at risk bill, its failure to recognize private property rights and its failure to give some sort of standard by which a landowner could judge the value of the property that would be confiscated by the Liberal government in its vain attempt to protect species at risk.

As many of us pointed out, the experience in the United States is that failure to compensate landowners who have their land confiscated simply results in a kill and bury policy whereby people who find these endangered species simply kill them and bury them because of the risks involved.

I do have an apology to make to the Liberals, though. Yesterday I was lambasting them for their \$115 million waste of money on the Trudeau humanities research foundation. I have discovered that it is \$125 million they are wasting.

Government Orders

This is a complete waste of money on a humanities research council if it does the same thing as the Social Sciences and Humanities Research Council, for which I can give some examples: \$2,267,350 of hard earned taxpayer dollars spent on the history of the book in Canada; \$100,000 for the first intermediate period settlement and burial patterns at Mendes; \$62,000 for an investigation of the motivations underlying undergraduates' alcohol consumption behaviour; \$50,900 for cabarets, nightclubs and burlesque in Vancouver; and \$35,200 for figure skating and representation of gender and sexuality in sport. What a waste of money, and they are going to blow \$125 million more. This is another example of their lack of thought and their inconsideration for the taxpayers of Canada.

Bill C-5 is just another example of this. We should be voting it down.

Mr. Larry Spencer (Regina—Lumsden—Lake Centre, Canadian Alliance): Mr. Speaker, it is an honour and privilege to rise to speak to Bill C-5, the species at risk act. Let me assure the House and all those who may be interested, the Canadian Alliance is committed to protecting and preserving Canada's natural environment and our endangered species.

We have an obligation and responsibility to preservation because we have been blessed with a nation that has such a wide diversity of terrain, species and the great wonders of nature. People come from all over the world to see this beautiful land. It is certainly up to us to ensure that we are good stewards of our total environment.

We are concerned about preserving the water, air and land for those who will follow us. We also need to be concerned about preserving the species that reside in the water, air and on the land. We are talking about the act that would impact upon some of those different species that live in all those environments.

I will mention at least four of the major areas of concern that I have noticed in the bill and then probably spend more time addressing the first one, which is the fair and reasonable compensation that must be guaranteed for property owners and resource workers who might suffer loss because of the expense incurred in protecting an endangered species.

Second, we need to be aware that any criminal liability resulting from the legislation must require intent; that it not simply an accidental act that may occur, which is entirely possible under the legislation. We would not want to see someone prosecuted for an accident they had not intended.

Third, there must be co-operation with the provinces for success. It would be unworkable for the federal government to impose legislation without ensuring the provincial governments are in place or without having agreements for administration and enforcement.

The gun control act is a good illustration of how the federal government sometimes fails to bring on the support of the provinces. It was even sued over that act because it was so unnecessary, unusable and ill-applied in some of our rural areas, especially in the prairie provinces. We noted recently that we allowed \$200 million for the war against terrorism but we spent \$700 million for the war against duck hunters and farmers in the registration of guns.

Fourth, there needs to be an acceptance of at least some advice and suggestions that the voices of the opposition bring. Those who sit on this side of the House are representatives of the people, the same as those who sit over there. Our voices need to be heard and it needs to be more than just giving lip service in committee where committee work can have an impact on the legislation being made.

Hundreds of changes have been proposed over the years to this type of legislation and very little has been received. It is interesting to note how the government comes along, lets the committee go through all its work and then steps back in and even reverses the work of the committee. That is a terrible thing to have happen to those who have worked so diligently.

The government has failed repeatedly to enact the will of the majority of Canadians on many occasions and the autocratic actions of the government have happened on a daily basis.

It is really hard to understand why the government is so set against making obvious improvements to legislation. We in many committees make good suggestions. There have been dozens of them to this bill that would simply improve it, make it better and safer for the people. It would protect a few people as well as a few endangered species, yet we see a government that has ignored the voices from the other side simply because the opposition has accepted it.

●(1025)

I suggest that it would be a lot better if we could see some of this legislation changed in committee and changed in the House rather than just let it go through as was written by some government employee.

There are several categories that are affected by this endangered species act. In Saskatchewan there are birds, mammals and fish that will be affected and in particular, the swift fox, the sage grouse, the burrowing owl, the piping plover, the mountain plover, the sage thrasher, the prairie chicken and a number of others.

Full compensation should be outlined in this legislation by elected members and not left to regulations and discretionary actions of bureaucrats later on or left to the pressures of special interest groups that may later on push through their agenda. It needs to be specified clearly that landowners and resource users will be protected from over zealous ploys.

The phrase "may apply for compensation" is not good enough. The legislation should read they shall be compensated. The phrase "opportunity to sue" is not good enough. Why is it that the little guys, the individuals, are always told they have the right to sue for compensation? Why do we have to leave it to the little guys to sue? Why can we not just say that they have the right and it will be given? Why do we have to demand that these people go through a long legal process to receive what is perceived to be a normal ordinary right?

Government Orders

As my colleague has already mentioned, in the rural areas there is the kill and bury principle. There is another name for it. I do not want to categorize all landowners or all farmers in this, but I have actually heard this said in the rural area of Saskatchewan. It is the SSS movement. That stands for shoot, shovel and shut up.

If we truly want to protect the endangered species, we have to have the landowner on side. We have to have him convinced that he does not need to shoot, shovel and shut up. We need to have him convinced that he will be protected as well as the endangered species and therefore he can lend his co-operation fully to protecting these endangered species rather than having some fear that somebody will swoop in and overtake a part of his land.

Sometimes these landowners may even go as far as to make their land unattractive to these endangered species. They may go so far as removing them from their land. This act may in fact go the opposite way of what it is meant to do.

The regulations are such that they may mean, for example, that farmers may have to adapt practices that accommodate nesting birds or in logging they may have to go around areas where certain species exist. They may lose a part of their land. Just recently in Saskatchewan a number of farmers lost hundreds of acres because of a couple of successive winters and springs of extra water in a particular area which flooded their land. They were unable to drain it because of some regulation under the oceans and fisheries act to protect fish. That was in the middle of Saskatchewan.

The family impact can be high, income can be decreased, the value of farmland can decrease and whole families can sometimes be displaced. That is a hardship that we do not need to place on our rural people. There is no reason why the frontline soldiers in a battle should be expected to bear the cost of the war. That is what we are trying to do with those landowners and those workers in this area.

Respect for the rights of property owners is what we are talking about. Endangered species, yes, protect them, but let us also protect the rights of the individual landowners.

•(1030)

[*Translation*]

The Acting Speaker (Mr. Bélair): Is the House ready to vote on the motions in Group No. 1?

Some hon. members: Question.

The Acting Speaker (Mr. Bélair): The question is on Motion No. 1. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Bélair): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Bélair): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Bélair): In my opinion, the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Bélair): By previous agreement, the recorded division on Motion No. 1 stands deferred.

The next question is on Motion No. 12. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Bélair): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Bélair): All those opposed will please say nay.

Some hon. members: No.

The Acting Speaker (Mr. Bélair): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Bélair): The recorded division on Motion No. 12 stands deferred.

The next question is on Motion No. 28. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Bélair): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Bélair): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Bélair): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Bélair): The recorded division on Motion No. 28 stands deferred.

The next question is on Motion No. 103. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Bélair): All those in favour of the motion will please say yea.

Some hon. members: Yea.

Government Orders

The Acting Speaker (Mr. Bélair): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Bélair): In my opinion, the nays have it.

And more than five members having risen:

• (1035)

The Acting Speaker (Mr. Bélair): The recorded division on Motion No. 103 stands deferred.

[*English*]

The next question is on Motion No. 111. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Bélair): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Bélair): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Bélair): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Bélair): The recorded division on the Motion No. 111 stands deferred.

The next question is on Motion No. 121. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Bélair): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Bélair): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Bélair): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Bélair): The recorded division on Motion No. 121 stands deferred.

The next question is on Motion No. 128. Is it the pleasure of the House to adopt the motion?

Some hon. members: No.

Some hon. members: Agreed.

The Acting Speaker (Mr. Bélair): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Bélair): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Bélair): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Bélair): The recorded division on Motion No. 128 stands deferred.

[*Translation*]

The Acting Speaker (Mr. Bélair): We will now move on to the motions in Group No. 2.

Ms. Francine Lalonde (Mercier, BQ) moved:

Motion No. 2

That Bill C-5, in the preamble, be amended by adding after line 27 on page 2 the following:

“the protection of habitats and species on provincial lands is entirely under provincial jurisdiction.”

Motion No. 11

That Bill C-5, in Clause 4, be amended by replacing line 41 on page 7 with the following:

“living organisms on federal lands or under the continental”.

Hon. Lawrence MacAulay (for the Minister of the Environment) moved:

Motion No. 23

That Bill C-5, in Clause 10.1, be amended by replacing lines 4 to 6 on page 10 with the following:

“10.1 The Minister, after consultation with the Canadian Endangered Species Conservation Council, may establish a stewardship action plan that creates”

Motion No. 35

That Bill C-5, in Clause 27, be amended by

(a) replacing lines 6 to 34 on page 17 with the following:

“27. (1) The Governor in Council may, on the recommendation of the Minister, by order, amend the List by adding a wildlife species, by reclassifying a listed wildlife species or by removing a listed wildlife species.”

(b) deleting lines 5 to 13 on page 18.

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance) moved:

Motion No. 39

That Bill C-5, in Clause 32, be amended by replacing line 30 on page 19 with the following:

“32. (1) No person shall knowingly kill, harm, harass,”

Motion No. 44

That Bill C-5, in Clause 33, be amended by replacing line 10 on page 20 with the following:

“33. No person shall knowingly damage or destroy the”

Ms. Francine Lalonde (Mercier, BQ) moved:

Motion No. 48

Government Orders

That Bill C-5, in Clause 34, be amended by deleting lines 17 to 24 on page 20.

Hon. Lawrence MacAulay (for the Minister of the Environment) moved:

Motion No. 49

That Bill C-5, in Clause 34, be amended by

(a) replacing line 25 on page 20 with the following: “(2) The Governor in Council may, on the”

(b) deleting lines 39 to 45 on page 20 and lines 1 to 10 on page 21;

(c) replacing lines 14 to 21 on page 21 with the following:

“(a) the appropriate provincial minister; and

(b) if the species is found in an area in respect of which a wildlife management board is authorized by a land claims agreement to perform functions in respect of wildlife species, the wildlife management board.”

● (1040)

Ms. Francine Lalonde (Mercier, BQ) moved:

Motion No. 50

That Bill C-5, in Clause 34, be amended by deleting lines 25 to 33 on page 20.

Motion No. 51

That Bill C-5, in Clause 34, be amended by deleting lines 34 to 38 on page 20.

Motion No. 52

That Bill C-5, in Clause 34, be amended by deleting lines 39 to 45 on page 20.

Motion No. 53

That Bill C-5, in Clause 34, be amended by deleting lines 1 to 4 on page 21.

Motion No. 54

That Bill C-5, in Clause 34, be amended by deleting lines 5 to 7 on page 21.

Motion No. 55

That Bill C-5, in Clause 34, be amended by deleting lines 8 to 21 on page 21.

Hon. Lawrence MacAulay (for the Minister of the Environment) moved:

Motion No. 56

That Bill C-5, in Clause 35, be amended by

(a) replacing lines 22 to 26 on page 21 with the following: “35. (1) Sections 32 and 33 apply in each of the territories in respect of a listed wildlife species only to the extent that the Governor in Council, on the recommendation of the Minister, makes an order providing that they, or any of them, apply.”

(b) replacing line 37 on page 21 with the following:

“protect the species or the residences of its individuals.”

(c) deleting lines 38 to 44 on page 21 and lines 1 to 13 on page 22;

(d) replacing lines 17 to 24 on page 22 with the following:

“ter; and

(b) if the species is found in an area in respect of which a wildlife management board is authorized by a land claims agreement to perform functions in respect of wildlife species, consult the wildlife management board.”

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance) moved:

Motion No. 57

That Bill C-5, in Clause 36, be amended by replacing line 28 on page 22 with the following:

“territorial minister, no person shall knowingly”.

Ms. Francine Lalonde (Mercier, BQ) moved:

Motion No. 67

That Bill C-5, in Clause 39, be amended by replacing line 34 on page 23 with the following:

“39. (1) The recovery”.

Motion No. 74

That Bill C-5, in Clause 48, be amended by replacing line 31 on page 27 with the following:

“48. (1) An action plan”.

Hon. Lawrence MacAulay (for the Minister of the Environment) moved:

Motion No. 78

That Bill C-5, in Clause 53, be amended by

(a) replacing lines 15 and 16 on page 30 with the following:

“53. (1) The competent minister must,”

(b) deleting lines 29 to 32 on page 30.

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance) moved:

Motion No. 80

That Bill C-5, in Clause 58, be amended by replacing line 39 on page 31 with the following:

“58. (1) No person shall knowingly destroy any part of”.

● (1050)

Hon. Lawrence MacAulay (for the Minister of the Environment) moved:

Motion No. 84

That Bill C-5, in Clause 58, be amended by replacing lines 1 to 42 on page 32 and lines 1 to 7 on page 33 with the following:

“species or of a listed threatened species—or of a listed extirpated species if a recovery strategy has recommended the reintroduction of the species into the wild in Canada—

(a) if the critical habitat is on federal lands, in the exclusive economic zone of Canada or on the continental shelf of Canada;

(b) if the listed species is an aquatic species; or

(c) if the listed species is a species of migratory birds protected by the Migratory Birds Convention Act, 1994.

(2) If a portion of the critical habitat is in a national park, a marine protected area under the Oceans Act, a migratory bird sanctuary under the Migratory Birds Convention Act, 1994 or a national wildlife area under the Canada Wildlife Act, the competent Minister must, within 90 days after the recovery strategy or action plan that identified the critical habitat is included in the public registry, publish in the Canada Gazette a description of the portion of the critical habitat that is in that park, area or sanctuary.

(3) If subsection (2) applies, subsection (1) applies to the portion of the critical habitat described in the Canada Gazette under subsection (2) 90 days after the description is published in the Canada Gazette.

(4) With respect to any of the following, subsection (1) applies only to the portions of the critical habitat that the Governor in Council may, on the recommendation of the competent minister, after consultation with every other competent minister, by order, specify:

(a) federal lands that are not in a park, area or sanctuary referred to in subsection (2);

(b) the exclusive economic zone of Canada;

(c) the continental shelf of Canada;

(d) aquatic species; and

(e) species of migratory birds protected by the Migratory Birds Convention Act, 1994.

(5) The competent minister must, within 180 days after the recovery strategy or action plan that identified the critical habitat is included in the public registry, make the recommendation if he or she is of the opinion that there are no provisions in, or other measures under, this or any other Act of Parliament that protect the particular portion of the critical habitat, including agreements under section 11.

(6) If the competent minister is of the opinion that the order would affect land in a territory that is not under the authority of the Minister or the Parks Canada Agency, he or she must consult the territorial minister before recommending the making of the order.

Government Orders

(7) If the competent minister is of the opinion that the order would affect a reserve or any other lands that are set apart for the use and benefit of a band under the Indian Act, he or she must consult the Minister of Indian and Northern Affairs and the band before recommending the making of the order.

(8) If the competent minister is of the opinion that the order would affect an area in respect of which a wildlife management board is authorized by a land claims agreement to perform functions in respect of wildlife species, he or she must consult the wildlife management board before recommending the making of the order.”

[English]

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance) moved:

Motion No. 86

That Bill C-5, in Clause 60, be amended by replacing line 12 on page 34 with the following:

“rial minister, no person shall knowingly destroy any part”.

Motion No. 90

That Bill C-5, in Clause 61, be amended by replacing line 22 on page 34 with the following:

“61. (1) No person shall knowingly destroy any part of”.

Mr. Andy Burton (Skeena, Canadian Alliance) moved:

Motion No.94

That Bill C-5, in Clause 61, be amended by replacing lines 22 to 40 on page 34 and lines 1 to 40 on page 35 with the following:

“61. No person shall destroy any part of the critical habitat of an aquatic species or of a listed endangered species or a listed threatened species that is a species of migratory birds protected by the Migratory Birds Convention Act, 1994, that is in a province or territory and is not on federal land.”.

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance) moved:

Motion No. 95

That Bill C-5, in Clause 61, be amended by deleting lines 27 to 40 on page 34 and lines 1 to 40 on page 35.

Hon. Lawrence MacAulay (for the Minister of the Environment) moved:

Motion No. 96

That Bill C-5, in Clause 61, be amended by

(a) replacing lines 28 to 40 on page 34 and lines 1 to 17 on page 35 with the following:

“respect of an aquatic species or a species of migratory birds protected by the Migratory Birds Convention Act, 1994.

(2) Subsection (1) applies only to the portions of the critical habitat that the Governor in Council may, on the recommendation of the Minister, by order, specify.

(3) The Minister may make a recommendation if

(a) a provincial minister or territorial minister has requested that the recommendation be made; or

(b) the Canadian Endangered Species Conservation Council has recommended that the recommendation be made.”

(b) replacing line 28 on page 35 with the following:

“not effectively protect the particular portion of the”.

Mr. Andy Burton (Skeena, Canadian Alliance) moved:

Motion No. 97

That Bill C-5, in Clause 61, be amended by replacing lines 32 to 40 on page 34 and lines 1 to 15 on page 35 with the following:

“(3) The Minister may make a recommendation if a provincial or territorial minister has requested that the recommendation be made.”.

[Translation]

Ms. Francine Lalonde (Mercier, BQ) moved:

Motion No. 98

That Bill C-5, in Clause 61, be amended by deleting lines 38 to 40 on page 34.

Motion No. 99

That Bill C-5, in Clause 61, be amended by deleting lines 1 to 5 on page 35.

Motion No. 100

That Bill C-5, in Clause 61, be amended by deleting lines 6 to 8 on page 35.

Motion No. 101

That Bill C-5, in Clause 61, be amended by deleting lines 9 to 11 on page 35.

Motion No. 102

That Bill C-5, in Clause 61, be amended by deleting lines 12 to 15 on page 35.

• (1055)

[English]

Hon. Lawrence MacAulay (for the Minister of the Environment) moved:

Motion No. 112

That Bill C-5, in Clause 65, be amended by

(a) replacing lines 37 and 38 on page 36 with the following:

“65. If a wildlife species is listed as”

(b) deleting lines 1 to 6 on page 37.

Motion No. 113

That Bill C-5, in Clause 68, be amended by replacing lines 1 to 11 on page 38 with the following:

“68. (1) Subject to subsection (2), the competent minister must include a proposed management plan in the public registry within three years after the wildlife species is listed as a species of special concern.

(2) With respect to a wildlife species that is set out in Schedule 1 as a species of special concern on the day section 27 comes into force, the competent minister must include a proposed management plan in the public registry within five years after that day.

(3) Within 60 days after the proposed management plan is included in the public registry, any person may file written comments with the competent minister.

(4) Within 30 days after the expiry of the period referred to in subsection (3), the competent minister must consider any comments received, make any changes to the proposed management plan that he or she considers appropriate and finalize the management plan by including a copy of it in the public registry.”.

[Translation]

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance) moved:

Motion No. 122

That Bill C-5, in Clause 100, be amended by replacing lines 16 and 17 on page 57 with the following:

“100. A person is not guilty of an offence under this Act unless the person knowingly committed the act that is the subject of the offence.”

Debate arose on the motions in Group No. 2.

[English]

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, I will briefly express some thoughts about Motions Nos. 23, 35, 49, 56, 78, 84, 96 and 112. I will not comment on the large number of motions from 51 to 55 and 98 to 102 because the group of motions proposed by our colleagues in the Bloc Québécois would entirely gut the habitat safety net. They cannot be supported by anyone who knows the purpose of the bill in detail.

I express disappointment and profound regret for the amendments being advanced by the government today.

Mr. Bob Mills: Mr. Speaker, I rise on a point of order. My understanding of House procedure is that the member who introduced the first motion, which is the hon. member who was standing, should be the first to speak to this group of amendments.

Government Orders

The Acting Speaker (Mr. Bélair): To answer the hon. member's point of order, he may blame it on my inexperience at report stage. I should have recognized by tradition and not necessarily by rule the member who has submitted the most amendments. In this case it would have been the hon. member for Mercier.

This having been said, does the hon. member for Davenport wish to desist in favour of the hon. member for Mercier, or does he wish to continue his speech?

Hon. Charles Caccia: I agree.

• (1100)

[*Translation*]

The Acting Speaker (Mr. Bélair): This being the case, we will resume the process and set things straight; therefore, the hon. member for Mercier now has the floor.

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, I will begin by pointing out that the hon. member for Davenport has many more years of experience in the House than I, and I am certain that you are not silencing him, because that is something that no one can do. I know him well and have great respect for everything he does.

I am pleased to take part in this debate on more than one count. The protection of species at risk is something that affects the future of the world, of Canada and of Quebec, and the future of our children. However, since the signing of the Convention on Biological Diversity in 1992, it must be admitted that Canada has had a great deal of trouble taking action, and, in its own areas of jurisdiction, has been slow to do so.

I should point out that Quebec has had legislation since 1989. I am pleased to note that it was the current member for Lac-Saint-Louis, a government member, who presided over the passage of the Quebec legislation.

I should also point out that in 1996 the federal and provincial ministers then responsible for wildlife who were present at the Charlottetown meeting, including Quebec's ministers, gave their approval in principle to a national accord for the protection of species at risk in Canada. The accord, said a press release:

—establishes a mechanism for cooperation among the federal, provincial and territorial governments. The Accord commits governments to complementary legislation and programs to ensure that endangered species are protected throughout Canada.

Not only did Quebec sign this agreement but, in 1996, it adopted a strategy on biological diversity, after the implementation of its 1989 legislation. This strategy already set out the major objectives for the development of protected areas. What were those objectives? They were to “increase the ecological knowledge necessary for the creation of a network to maintain quality and for the protection of vulnerable or threatened components of natural biological diversity; establish and maintain a comprehensive and representative network of the protected areas necessary for the preservation of biological diversity; strengthen the network of managed conservation areas so as to ensure the protection of biological diversity over a greater area”.

My intention is not to go on reading this, but to point out that Quebec has not fallen asleep at the switch. On the contrary, it has looked after protecting the environment and habitat.

It is therefore understandable that I was delighted to comply with the invitation by the respected member for Rosemont—Petite-Patrie to take part in this debate and to sign off on a number of the amendments, including the one calling for recognition that habitats fall under the jurisdiction of the provinces and of Quebec, as is the case, and has been until now.

I understand that this is a challenge to Canada—I have seen this, I have understood it—when one province, like Quebec, has quickly assumed its responsibilities before Canada—let us emphasize this—and other provinces have not. I am aware that a variety of research has gone into the succession of bills that have not gone anywhere.

But it seems to me—and I am thinking here of the minister who makes such a habit of offering advice to all the federations of the world on federations—that there would have been a way to make more of an effort to recognize the jurisdiction belonging to the provinces, their sovereignty within their own domain and their equal status when it comes to reaching agreement on different territories, rather than choosing to take their place.

• (1105)

The federal government has not been involved since 1992, until it decided to act in 2002. Instead of looking for a way to intervene, with the “complementary regulations” referred to in the accord, when it deems that what is going on in the provinces, and in Quebec, is not to its liking, it takes over for them.

This is totally unacceptable in a number of ways. It is indefensible, including the reference to federalism. But more than that is involved. What we are dealing with is maximizing the efforts to properly protect endangered species and habitats.

Hon. members will understand how surprised and annoyed, to put it mildly, Quebec was, having put considerable effort and an unusual amount of money into the protection of these habitats and endangered species, to find itself having to submit to the demands of a government that has so far done nothing. The word I used in French was “sujétion”, which has nothing to do with suggestion, but rather with being made subject to the power of a king.

This is unacceptable and it distracts us from the key issue, which is to find complementary means to provide the best protection with the monies that are available. Has there been thought given to what having officers means—because Quebec has wildlife protection officers—in Quebec and other federal officers who will cover the same areas? Why does the federal government not come up with legislation that will provide greater protection of endangered species and habitat in its own jurisdiction, on its own lands, and where we would agree to this?

It could work together in co-operation with the provinces that agree to it. It needs to come up with some other means for those who do not. My colleague from Quebec, Mr. Bégin, who used to be the minister of the environment, said that the provinces who want to be replaced are asking for this, but there needs to be some other way, other than replacing them. Until now, I repeat, this government has done nothing.

Government Orders

We know, incidentally that this government is taking advantage of the fact that it collects much more money for the responsibilities that it has to interfere in the provinces' jurisdiction, and in Quebec's jurisdiction.

We are not opposed to the objective of the legislation, on the contrary. We share this objective, and we believe that it is something that we need act on urgently. I was in Mexico when I read the report of the NAFTA Commission for Environmental Cooperation's report, which highlighted concerns over the disappearance of species, due to the extremely rapid growth of traffic between the three countries, Canada, the United States and Mexico, which was threatening endangered species.

The problems exist, and we need to apply the solutions in the right place, instead of using a bill to fulfill objectives other than the extremely important one of protecting endangered species.

• (1110)

[*English*]

Mrs. Karen Redman (Parliamentary Secretary to the Minister of the Environment, Lib.): Mr. Speaker, I will say a few words in support of the government's motions as well as its approach to assessing and listing species at risk as set out in the proposed species at risk act, Bill C-5.

First, we need to make sure everyone understands. There has been confusion about this. I do not know if it was deliberate or otherwise. Scientists and scientists alone would make the decisions about the assessment of species and where they would be placed on the list of those at risk. This would be done through the Committee on the Status of Endangered Wildlife in Canada, COSEWIC. The organization has been legally recognized as part of the assessment and listing process. This is a huge step forward.

The legislation means the assessment of species at risk would be scientific, expert and independent. It would be done at arm's length from government and away from any of the pressures that come with considering the social and economic impacts of being listed.

Decisions and findings of COSEWIC would be published in the public registry. Anyone could see them at any time. Anyone could see the reasons for the scientific decisions.

The government's decision to add species to the legal list would put a number of elements of the law into motion. For instance, species at risk legislation contains automatic prohibitions against the killing or harming of individuals of the listed species and the harming of their residence or habitat. It also stipulates that mandatory plans would be put together with specific time frames for the recovery of the species from its dangerously low numbers. Just as importantly, the process under the law would allow the authority to take emergency action if necessary to protect habitat.

Many decisions about protecting species at risk and their habitat could involve a number of serious economic or social implications, particularly for those who live in rural areas and depend on fishing, farming and ranching. We were elected to the House of Commons to take responsibility for such implications. We, not the scientists, must bear the burden of the decisions. We, not the scientists, must face the political heat. The government has been clear on this point for years and rightly so. Socio-economic decisions made under the act would

be made by those who are publicly accountable. This is our democratic process.

I will speak to several government motions that relate to critical habitat protection with the proposed species at risk act. The motions in general serve to strengthen the federal commitment to habitat protection. They also reinforce the co-operative approach that has been and continues to be a key component of the overall strategy of protecting species at risk in Canada.

The federal government must work with provinces and territories to protect species and habitats. Protecting species at risk is the shared responsibility of all governments. The overall strategy of the protection of species at risk is to ensure the federal portion of the responsibility is met. Bill C-5 is one element of that strategy. It would complement the work done by other levels of government, build on a partnership approach under the federal-provincial accord for the protection of species at risk, and reinforce the stewardship component of the strategy.

The issue of critical habitat is only one part of species protection. We must protect where they live or they simply cannot survive. It is as simple as that.

What is a bit more complicated and has preoccupied us for a number of years in formulating the legislation is how best to protect critical habitat. It must be done in the best interest of the species but must take into account Canada's constitutional structure. We must respect jurisdictions. We must add to that the impact critical habitat designation could have on the livelihood of those who work on the land or water. This is difficult to assess at the best of times. Throughout all these considerations we must make sure the provisions for protection are workable, effective and integrated with other Canadian laws and conventions.

• (1115)

To that end, in its deliberations the Standing Committee on Environment and Sustainable Development made several changes to the species at risk act in the area of critical habitat. Some of the changes strengthen its provisions. I am pleased to say the changes are not only welcome but important. The committee added aquatic species and migratory birds protected under the Migratory Birds Convention Act to the critical habitat regime within federal jurisdiction. These are significant changes. They make critical habitat even stronger.

Building on the additions of the standing committee, the government is moving further to strengthen critical habitat protection. It is moving to provide automatic critical habitat protection in national parks, marine protected areas, migratory bird sanctuaries and national wildlife areas. These are all federal lands and the protection element is a crucial one.

Government Orders

For anywhere else in federal jurisdiction the government is moving to require the competent minister to recommend protection if critical habitat is not protected within 180 days of being identified in an approved recovery strategy or action plan.

The government motions regarding critical habitat are reinforced by a further motion that would require all federal ministers to consider possible impacts on identified critical habitats prior to issuing licences or permits for any activity.

By restoring governor in council discretion we would restore the preferred and necessary approach to protecting critical habitat: stewardship and co-operation first. We feel strongly that the standing committee's approach would be a disincentive for landowners to enter into agreements and an incentive for going straight to compensation.

As I said, our approach must be co-operative and workable. We must remember that most lands in Canada are under provincial and territorial management or private ownership. That is why the approach must be one of joint action and not heavy handed, top down law. The proposed species at risk act would provide protection for all species at risk in Canada wherever they may be. The comprehensive and co-operative approach is essential to the survival of our wildlife.

The policy intents of Bill C-5 were not arrived at overnight. They came from years of study, consultation, discussion and examination. Because it is already working we know the co-operative approach is the Canadian way. We must ensure the incentive is there to pursue stewardship and voluntary action as the first step in all cases for protecting critical habitat.

Mr. Bob Mills (Red Deer, Canadian Alliance): Mr. Speaker, I will reiterate in the House the co-operation we had in committee and how disappointing it is to see the reversal of so many things, particularly this group of amendments. We now have a bill we in my party are convinced would not work for Canadians or for landowners. The talk we heard about co-operation, consultation and so on was just words as are so many things in the House.

We in the Canadian Alliance will definitely not be supporting the bill because it would not work. Had we got the changes that were necessary the bill could have worked. We want it to work. We need species at risk legislation. However the gutted bill we are looking at today would not work.

I will talk about two major areas in Group No. 2. First, I will talk about the mens rea amendments, Nos. 39, 44, 80, 86, 90 and 122. Second, I will talk about the federal-provincial safety net in some of the amendments.

First, I will deal with the mens rea amendments. If we think farmers, ranchers and corporations would be unhappy because they would not get compensation or because it would be left to the discretion of the minister, let us think how unhappy they would be when they found out they could be fined \$250,000 for harming something they did not even know was there. Corporations could be fined up to \$1 million. That is the problem. The federal government has said it would be a criminal offence to in any way harm, harass or kill an endangered species.

I want to make it clear that people who traffic in endangered species, hunt illegally or these sorts of things should have the book thrown at them whatever the fine. The government should go after them. However we are not talking about those people. We are talking about the farmer, the rancher, the little guy who may inadvertently destroy a worm, snail or plant without knowing it was there. The bill has been gutted so the government would not have to tell people a species was there. That is even worse.

I will quote from the bill:

No person shall kill, harm, harass, capture or take an individual of a wildlife species that is listed as an extirpated species, an endangered species or a threatened species—

Similarly, it says no person shall damage or destroy the residence of a species and so on.

Protecting species and their habitat is what should be done. That is what we are attempting to do. We want to catch dishonest people who destroy endangered species or their habitat.

How do we do that? The bill says even unknowingly harming species or habitat would be a criminal offence. How does a farmer know what a western spiderwort is, what a sand verbena is, what a tiny whatever the name is and so on? How are average Canadians to know about endangered species? Yet they could get criminal records because the burden is all on them. The burden is not on the government to tell them the species are there. It is on them to know they are there.

For a large corporation with an environmental impact study due diligence may be a possibility but it is not a possibility for the average landowner. The average landowner could be convicted of a serious offence for not showing due diligence.

What must happen? We must get information out to people so they know what endangered species are. What is the government's plan for doing this? It does not know. It has not budgeted for it. How will it inform people so they do not become criminals without knowing it?

Is there a solution? There is. The answer is to follow an old Roman piece of law that says they must have had a guilty mind: mens rea.

● (1120)

In other words, in order to commit a criminal act individuals would have to know they were doing something wrong. It has been a standard piece of law for all that time and yet all of a sudden we are putting in legislation that says individuals are guilty until proven innocent. It says they are guilty even if we did not tell them that that particular animal, bird, plant, snail or whatever was there. There is something wrong when we have a piece of legislation like that. It will not help endangered species.

Government Orders

The safety net is another part of Group No. 2. What about getting together with the ministers? There are a lot of worried provincial ministers. Our consultations with them have told us that they are concerned. They have put in endangered species legislation in their own governments and they are saying this is a piece of top down legislation where the federal government would impose its will on the provinces. The bill does not reflect co-operation and consensus building as we would expect it to. Instead it talks about how the federal government would impose its will on them if it decided they were not doing things right. Bill C-5 would give the federal government the power to impose its will on provincial lands with disregard for provincial rules or practices.

How would that possibly build co-operation between the provinces and the federal government? This concept of a safety net is largely a federal criminal law power and Bill C-5 would give it all to the minister. He would have absolute discretion and the right to decide whether a province provided effective protection. It would be up to the federal minister to decide. This is a top down approach which means the provinces who have the people to enforce this law would have to follow whatever the federal government says. They would lose control of their own provincial lands.

We must bring this point to the House and to Canadians. The federal government would be the judge and jury. It would enforce the legislation even though naturalists say five provinces have better legislation than the proposed federal legislation and three provinces have at least as good as what Bill C-5 would have. Eight provinces are as good or better than Bill C-5.

The federal government would take total power and control and the minister would have absolute discretion to determine if effective protection existed in that province. There is something wrong with that picture. There is something wrong when a federal government can ignore the provinces that way and try to put this legislation in.

What did we try to do? We introduced motions that would reverse this whole process and would say that the federal minister must consult, not may, with provincial governments to decide whether the species was being protected or not and to decide if in fact there was something the province could do to help save the species.

The government in Group No. 2 is reversing that whole thing and saying it wants all the power to tell the provinces what to do and it does not care about their particular species at risk legislation. That is a recipe for disaster and is the number two nail in the coffin of Bill C-5 to hurt endangered species in the country. We have a U.S. piece of legislation. It has not worked in 30 years and this one will not work either.

● (1125)

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, I will start by rebutting the argument by the member for Mercier which really lacks credibility in view of the fact that the performance of the provinces is very poor. The jurisdictional issue the member for Mercier raised is totally out of place.

Let me put on the record that in the case of the province of Quebec, which did pass legislation to protect endangered species in 1989, there were 26 species recommended by scientists to the government of Quebec for the purposes of being threatened, therefore requiring protection. In the meantime, since 1989 only

three have been legally listed in the province of Quebec. That means that of the threatened species in that province only 12% have been protected. The record for Ontario is not that much better because only 23% have been protected.

There is a profoundly wrong assumption being made. One could devote the 10 minutes allocated to that topic this morning but I will not do that. The wrong assumption is the perception amongst the political culture that turtles, lizards and salamanders, wolves or grizzly bears, any of the 300 plus species that are listed as endangered know what political boundaries are all about. That is the assumption being made and it is wrong.

We have to move out of that mental box and realize that if we were to fight on the grounds of political boundaries we would never tackle the nature of this problem as demonstrated and proven by the statistics province by province, which I understand one of my colleagues will elaborate on later.

On Motion No. 23 the committee recommended that the minister, within one year after the bill being proclaimed, shall establish a national stewardship action plan that would create incentives and other measures to support voluntary stewardship actions taken by any government, organization or individual in Canada.

● (1130)

Motion No. 23 introduced by the government would unfortunately wipe out this measure in the bill. It goes from mandatory to discretionary and it is contrary to statements made by the minister on various occasions in which he quite rightly spoke about co-operation, voluntarism and the importance of promoting voluntary action in protecting species. Motion No. 23 would nullify what is in the bill and I wonder whether the minister is aware of the content of the amendment prepared by his department because it is in clear contradiction of his public statements and his deep commitment to fostering co-operation and voluntarism.

Motion No. 35 deals with the listing which was the object of intensive discussions and study in committee. The motion is not supportable. It is not desirable at all. It causes deep concern because the problem of listing is not solved by the amendment introduced by the government. The committee found a reasonable solution to the problem which would take into account both political accountability and the fact that elected representatives come under pressure when allocating a natural resource. Members may remember the case of cod. At the same time it would take into account the importance of the recommendations made by the scientific community.

Government Orders

The scientific listing is proposed by a group called COSEWIC. It is an appropriate committee of scientists. That list would be sent to cabinet. From that moment and for six months it would be up to the politicians, to the elected representatives who are accountable under our system, to decide whether or not to accept that list. I submit this is a reasonable approach. It would balance the industry pressures by preventing the extinction of a certain species as happened in the case of cod 10 years ago. Unfortunately however, the government is proposing an amendment that would favour the status quo which would pave the way for the repetition of past mistakes.

Motion No. 49 would delete the work done in committee. It recommended a number of appropriate measures for the minister such as consultation with provincial ministers, wildlife management boards and so on, as well as public consultation. Unfortunately and regretably, the public consultation is deleted by the amendment.

The minister seems to be, or the department perhaps, opposed to any timelines that were included in the bill as reported to the House. Timelines are necessary to provide an incentive for the provinces to act quickly given the track record of some provinces in listing endangered species, particularly British Columbia, Alberta, Quebec and Ontario.

It is highly unlikely that a prohibition safety net could be implemented quickly, if at all, without some federal timelines in place. We see here a contradiction between public statements that have been made and the thrust of this particular amendment.

• (1135)

The effect of Motion No. 78 would be to delete the mandatory development of regulations that are needed to put into place the so-called action plans, which are an extremely important component of the bill.

The amendment proposed by the government removes a timeframe, with a rationale stating that 120 days is a very short timeframe for the development of regulations and that it would unnecessarily limit the amount of consultation in the development of regulations.

I would say that by removing the mandatory timeframe for the development of regulations to implement this action plan there is no guarantee that there will be swift action. This is a very important component of the bill, as reported back to you, Mr. Speaker, namely the retention of timeframes in this particular portion of the bill and in others as well.

This takes me to Motion No. 84. I will comment briefly on this motion by saying that it reverts back to the discretionary habitat protection on federal lands with no time limit for protection. The rationale given for explaining Motion No. 84 is, I would submit, erroneous because the clause of the committee's bill, as reported here, is purely co-operative in nature.

I regret that my time is up but, in conclusion, I would say that with this particular motion the government would be removing and violating very severely the stewardship agenda proposed in the bill.

Mr. Joe Comartin (Windsor—St. Clair, NDP): Mr. Speaker, to pick up on some of the points made by the last speaker, the chairman of the committee and member for Davenport, I will begin by indicating that I have been through all the amendments in Group No.

2, and in keeping with the spirit and wording of the committee, I cannot find any to support.

However, given that we have such a short period of time to speak to these amendments and given the fact that a number of them are quite critical to the bill and to the work done by the committee, I will address them in a summary form, issue by issue, as I see them.

The first amendment I want to address, again in terms of trying to maintain the integrity of all the work done by the environment committee, which at this point, in spite of what we hear from the parliamentary secretary and the minister that there were various attempts here to strengthen the work that we did, that is not the case. It is just the opposite. A great deal of the amendments proposed by the government would, in effect, gut the bill and the work done by the committee. So much for parliamentary democracy.

Let me deal with COSEWIC, the scientific body that designates whether a species is at risk. We took a great deal of evidence around a number of issues of the work that COSEWIC does: its existing list; how it has the list; the number of species not on the list that it would like to get at in terms of determining whether they are at risk. The list we saw contained over 200 species but COSEWIC told us that there were as many as 1,000 species at serious risk but that the analysis had not yet been done.

COSEWIC brought a great deal of credibility to the process and specifically to the work done by the committee. What was very clear from what we heard from COSEWIC and, more important, from any sector that was concerned about the bill and about protecting species, was the importance of having the list done scientifically, not politically. The amendment that has been proposed would do just the opposite. It is to say that the government will do this politically not scientifically and that the scientists will have an almost insignificant role to play if the amendment goes through as proposed by the Minister of the Environment.

What we simply did was tell the scientific community that we accepted the very good work it had done historically, that we wanted them to continue to do that and that we would authorize and empower them to continue that work in a much more formal way.

The government is saying that if socio-economic issues have to be brought in, any decision that has to be made about protecting a species is something it would do, but the determination of whether a species is at risk or not is purely and simply a scientific one. The amendments that the committee proposed, which are now being gutted, would have achieved that end.

The next issue I want to address deals with discretion, or lack of same, that is in the bill as amended by the committee. What we were saying here, based on a lot of past experience, was that we had to present to the public, the citizens of Canada, an image and a reality that we as a government would carry out the purposes and intent of the act. We are serious about protecting species in this country.

If I can digress for just a minute in that regard, Canada has a major responsibility here.

Government Orders

●(1140)

We are a developed country but we have a large expanse of land where we can protect species. In terms of developed countries, we may be in the very best position to do that because we still have so many of our species that have not been destroyed. An undeveloped country simply may not have the ability to do this. A developed country, where a lot of species may already have been killed off, no longer can do this. Canada is in a very unique position and, I would suggest, we have a responsibility to the rest of the world to be very careful about what we are doing here and be sure that we are going to protect species.

The amendments that have now come from the Minister of the Environment and his department do just the opposite. They portray an image to the citizens of Canada of a government that is not serious about protecting species. They have taken out all sorts of time limits. They have introduced discretion all over the place. They have introduced consultation that at times is meaningless and at other times it has been taken out. What that consultation really does, if we look at the approach that is taken, is it benefits the government at every turn to delay the process, which I suggest was the government's intent. It wants the ability to delay as much as possible implementing the bill and the law that we hope will flow eventually from it.

I also want to address some of the Bloc amendments and some parts of the bill which the government supports, especially around critical habitat. It is the issue of provincial-federal jurisdiction. The committee spent a lot of time on this and heard from about 150 witnesses. The chair was unrelenting in keeping us working on this. The meetings were often lengthy and often held several times a week. That was the pattern we followed since last January.

During the committee process it became very clear, from opinions we got from lawyers and a former supreme court justice who had actually written some decisions in this area, that the federal responsibility, authority and jurisdiction was very clear. As a federal government, we do have the right and, I would submit very strongly, the responsibility to protect species. We have the jurisdiction to do that. Several Supreme Court of Canada decisions confirmed that opinion. I and my party reject the Bloc amendments that try to dilute that responsibility.

We reviewed every one of the provinces' histories of protecting species and by no means were they great histories. If the federal government did not do it, it was pretty obvious that the provinces would not do it. There are provisions in the bill that if the provinces are doing it we stay out of it, but if they are not going to do it, then we need the authority in the bill to move in and protect those species.

The work that the committee did is reflected in the amendments we put to the original draft which does in fact empower the government to step in when appropriate to protect species and save them from extinction. We totally reject the proposed amendments that try to dilute the federal power.

I want to spend a few more minutes on critical habitat. We did not understand, and to this day I do not understand, why the department and the minister were so adamant about not protecting and not intervening to protect species when they had the authority to do so.

We heard what I would suggest are lame arguments as to consultation and co-operation.

●(1145)

This bill as amended by the committee is very strong in that regard but we have a fallback position in that we have the authority to step in. If it is a choice between offending a landowner, a provincial government or a territorial government and the loss of a species, we have the responsibility to step in at that point.

I have not covered at least two of the other major areas but I see that I have run out of time.

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance): Mr. Speaker, I rise today to speak in favour of the several amendments I have put forth which seek to remedy the glaring absence of mens rea in Bill C-5. Allow me to explain a bit about mens rea in Canadian criminal law.

Our criminal justice system is based upon several fundamental principles such as the right to be presumed innocent until proven guilty. In order to be culpable of a criminal offence in Canada three criteria have to be met.

First, a criminal act must have been committed. In other words, harm must have been caused. There are a few exceptions to this rule, as in the case of conspiracy to commit an act. However, in such cases we have accepted as a society the idea that conspiracy itself is a criminal act.

Second, the culpable party must have been the one to commit the criminal offence. In other words, if we are trying to convict person *x* for a crime, then person *x* must have been the person to actually physically commit the crime.

Third, we have the principle of a guilty mind or as the lawyers call it in Latin, mens rea. This means that not only does a culpable person have to have physically committed the act in question, but the person must also have committed the act intentionally and willfully. This principle exists in our justice system to protect people from prosecution for acts that they committed unwittingly or unintentionally, provided that criminal negligence was not involved.

The mens rea principle is an ancient part of the British and Canadian legal systems.

When the great British constitutional scholar Albert Venn Dicey was trying to give an illustration to define the rule of law in his great book *Introduction to the Study of the Law of the Constitution*, he gave the example of Voltaire, the great French writer. He was arrested and imprisoned in the Bastille for a poem that he did not write, that he had not circulated and the substance of which he had not agreed with.

That is the sort of thing the three principles are meant to stop. The bill in its unamended form unfortunately strips away at one of these fundamental pillars of the rule of law. Let me be more specific. Clause 32(1) of the bill states:

No person shall kill, harm, harass, capture or take an individual of a wildlife species that is listed as an extirpated species—

No mention is made of knowledge or intent. Clause 32(2) states:

Government Orders

No person shall possess, collect, buy, sell or trade an individual of a wildlife species that is listed as an extirpated species—

Again, there is no mention of intent or knowledge. This means I could go to my local health food store, buy a natural product and have unknowingly in my possession contraband which according to the unamended wording of Bill C-5 would make me a criminal.

Clause 33 states:

No person shall damage or destroy the residence of...an endangered species—

Clause 36 and clause 60(1) reiterate the aforementioned offences and extend them to provincial lands. Clause 58(1) states:

No person shall destroy any part of the critical habitat of a listed endangered species—

It is likewise in clause 61(1). This means I could be walking in a forest, pluck a flower that itself is not an endangered species, yet because this common flower may be the food of an obscure species of which I have never even heard, I would be guilty of a criminal offence. This is much easier than one might think.

Under the schedules to the bill, there are listed as either extirpated or endangered species: 10 mammal species; 21 bird species; 4 amphibian species; 5 reptile species; 11 fish species; 8 species of molluscs; 6 species of lepidopterans; 51 species of plants; 1 lichen; and 1 moss. As well, the bill contemplates the inclusion of a reasonably extensive list of additional species that could by ministerial order be added to those lists.

I recognize at least one of those species as an endangered species in my constituency. I am sure there are many others, but there is one that I recognize.

• (1150)

That particular species, the loggerhead shrike, is found on the land of a farmer in my constituency who lost the use of his land because of provincial legislation protecting nesting sites of the species and any area within a 500 metre radius of a nesting site. That resulted in the loss of land.

Under the law as it is currently written without the amendments I am proposing, there would be the danger that this individual could have actually committed a criminal act because he did not know this species was endangered and did not know that it was even on his land until he was informed by the ministry of resources. There is the danger that this individual could become a criminal for unknowingly having done something to a species he did not know existed and if he had known it existed, he would not have known it was endangered. Clearly we need to change the system.

My point is that the mens rea convention exists in order to ensure that unintended consequences of normal human activity are not criminal. If my hon. colleagues in the House agree with me that plowing a field, buying tea, or picking a common flower should not be criminal acts, then my colleagues must also agree with me that these clauses must be amended as I have proposed to include the words “knowingly”, “wilfully” or “negligently”, or any other change that would bring these offences in line with our criminal code and with our legal traditions.

I would like to make one last point in order to prove that this glaring absence of mens rea is not an oversight by the drafters of this legislation. Clause 100 of Bill C-5 states:

Due diligence is a defence in a prosecution for an offence.

This may sound like a technical point but it is very significant. We have already reviewed the fact that the bill creates criminal acts which can be committed without intent or knowledge. Clause 100 states that in such cases, a defendant is allowed to plead ignorance or to try to demonstrate that it would have been unreasonable for him or her to have known the implications of his or her actions. This is what can be called reverse onus.

Normally in criminal proceedings the crown in order to prove that an offence was committed must prove that the defendant physically committed the offence and that the defendant did so knowingly and intentionally. With the reverse onus in the unamended wording of Bill C-5, all the crown would have to do would be to prove the defendant had physically committed the offence, full stop. It would then be incumbent upon the defendant to prove or to argue that he or she had acted innocently or unknowingly. With the bill in its unamended form, Canadians would be guilty until proven innocent.

I urge my colleagues to heed my warning and to consider the gravity of excluding the mens rea principle from the offences listed in Bill C-5. The consequences would be disastrous to our farmers, to our ranchers, to our land developers and even to our wildlife conservation officials who may be unwittingly harming wildlife or its habitat while actually attempting to do the opposite.

If the bill passes as currently drafted, every single person who has ever ventured out into nature would be in danger of committing a criminal offence. This is certainly not what the minister intended. It is certainly not in the best interests of Canadians or of the species that we wish to protect.

• (1155)

Mrs. Karen Kraft Sloan (York North, Lib.): Mr. Speaker, I am pleased to speak to the Group No. 2 motions. I am disappointed that Group No. 2 entitled, “Deadlines and Federal-Provincial Agreements”, contains motions amending a number of the most critical components of Bill C-5. They speak to the heart of the bill: the listing process; protection of critical habitat in areas of federal jurisdiction; and the safety nets and timelines for implementation of action plans. Each is worthy of debate, yet we are restricted to 10 minutes for the lot of them. It hardly serves the House well, nor Canadians.

I will speak first to Motion No. 35, a government motion that would reverse the committee's changes to section 27 which concerns how species are listed.

The original Bill C-5 provided that the decision whether to list a species would be left entirely up to cabinet without time lines based on recommendations of COSEWIC and the minister. The standing committee heard very little testimony that supported this method of listing. The majority of witnesses called for a science based listing system conducted by COSEWIC.

Government Orders

Whether a species is endangered or not is a scientific determination, not political. Under Bill C-5, every decision that takes place after a species is listed, including, and this is worth emphasizing, whether it is even feasible to recover a listed species, allows for socioeconomic considerations and other factors to be weighed by the Minister of the Environment and/or cabinet.

The bill is full of opportunities for such considerations but whether or not a species is at risk is for scientists to decide.

We could get around this dilemma by requiring that all cabinet minister be biologists, but the easier path would be to simply admit that the question of whether the leatherback turtle's very existence is at risk or not should be decided by science, not by cabinet.

However, as a compromise, the committee amended section 27 so that a species would become part of the legal list under Bill C-5 within six months of COSEWIC's recommendation unless, during this period, cabinet determined that the species should be listed. This reverse onus listing process upholds science based decisions with time limits while ultimately, and I underscore this, providing for political discretion.

The compromise approach enjoyed widespread support from over 1,300 scientists, many key conservation groups, the Mining Association of Canada, the Forest Products Association of Canada and the Assembly of First Nations, among others.

Government Motion No. 35 guts this amendment and reverts the bill to straight political listing. Such a motion can only be viewed as strange when at the same time the government has decided to completely side step the cabinet process by automatically listing 233 of the species recently reassessed by COSEWIC. In doing so, the government hailed COSEWIC's work as important, detailed and meticulous.

One might ask, why then not continue the science based approach for future assessments? Why is it okay for these species but not for future listings?

The decision to list a species or not will often be an extinction decision. I ask my colleagues in this place to think about that. An extinction decision would mean that a species not listed would receive no protection under the act. Behind closed doors, when they get around to it, cabinet will point at a species with the finger of life or the finger of farewell. Canadians will never be told why a decision to not list a species was made.

It bears mentioning that straight political listing has failed miserably in those provinces that use such a system. Most recognize fewer than 35% of COSEWIC listed species, some as low as only 7%, that appear in their jurisdictions. How low will the federal figure be?

I will now move to the issue of critical habitat protection, one of the most contentious points in the original bill. Why? For the simple reason that without habitat protection a species at risk will not survive.

● (1200)

The committee heard from many stakeholders, including those cited earlier, that the key to having an effective piece of legislation

was to require mandatory critical habitat protection under areas of undisputed federal jurisdiction. It is beyond a doubt the absolute least the government can do to demonstrate its sincerity about protecting species.

Again the committee compromised by only requiring legal protection for habitat in a tightly defined federal house. Under amended sections 58 and 74 the protection extends to federal lands, aquatic species and migratory birds covered under the Migratory Birds Convention Act.

Within these parameters the committee agreed that the federal government must and should protect critical habitat after the action planning stage was completed, which meant not until two or three years after a species was listed. During this period there would be extensive consultation with landowners and other stakeholders, including the provinces, to properly account for public concerns, including socioeconomic issues.

Government Motion No. 84 and others that were not placed in debate Group No. 2 reversed these amendments by leaving it up to cabinet on a case by case basis to decide whether or not to bring in orders prohibiting activities that could destroy critical habitat.

Why? It has been explained as giving Canadians the first opportunity to protect habitat through stewardship. It has been said that such an approach builds co-operation.

Let us be clear, the committee fully supported the co-operation first principle. For this reason, it determined that habitat protection would not kick in until two or three years following listing, so that landowners, resource users and crown land lessees could first attempt to protect critical habitat on a voluntary basis through stewardship agreements.

In fact, the committee recognized that the lack of mandatory habitat protection would serve only to undermine the co-operative approach of Bill C-5. A forest company, for example, would be hard pressed to engage in a co-operative effort to protect the habitat of endangered species which could involve some cost, if they knew that some of their competitors could get away without having to do anything, and thereby gain an unfair advantage. Put simply, mandatory habitat protection not only deals with the bad actors but it also encourages co-operative efforts by the good actors.

Government Motion No. 84 seeks to protect critical habitat in national parks, marine protected areas, migratory bird sanctuaries and national wildlife areas. These extensions, while being sold as a compromise, are a big step back from the committee's amendments. I am sure most Canadians would be shocked to learn that without Bill C-5 it is open season on destroying habitat in protected areas of the country.

Failure to extend protection to include all of the federal house as identified by committee, will result in Bill C-5 being weaker than other federal laws, such as the Fisheries Act, four provincial endangered species laws, as well as the relevant United States and Mexican laws. In other words, when it comes to species protection in the NAFTA family, Canada will come last.

As I am almost out of time, I will address safety nets later.

In conclusion, this misnamed group of motions is a sad package that the government is delivering to the House, to Canadians and, most important, to the species we have promised to protect. They tear the heart out of the committee's work and transform Bill C-5 into one giant maybe.

Canadians expect a bill that will protect species. These motions ensure that we have failed to deliver on that promise, and I call on all members of the House to defeat these motions.

• (1205)

[*Translation*]

Mr. Bernard Bigras (Rosemont—Petite-Patrie, BQ): Madam Speaker, it gives me pleasure to speak to the motions in Group No. 2, on Bill C-5.

It gives me all the more pleasure because in committee, members from this side of the House, and Bloc Québécois members in particular, made considerable efforts to make not only the government, but also some parties in this House, realize the importance of two things that are dealt with in the amendments before us today.

First, habitat is a provincial jurisdiction. Indeed, the purpose of the motion of the hon. member for Mercier, who suggested it herself after reading the bill, is to solemnly reaffirm that Quebec feels that critical habitat and its protection are provincial jurisdictions.

The other thing to which we object through the amendments moved by the hon. member for Mercier has to do with clauses 32 and 34 and with what the hon. member opposite called, and rightly so, the safety net.

In order to fully grasp the situation, we must understand what Quebec has done so far. About an hour ago, I was listening to the hon. member for Davenport, who said that, in his opinion, the provincial legislation, that is, the Quebec act on endangered species, which dates back to 1989, cannot not adequately protect these species in Quebec.

This claim by the hon. member for Davenport is somewhat peculiar, since the federal government is now proposing, 12 years after the national assembly passed an act to protect endangered species, a bill on the same object. For 12 years, Quebec has ensured the protection of those species on its territory, which is something the federal government did not do during those 12 years in its own jurisdictions, including in national parks.

The situation is rather the opposite of what the hon. member claimed. Quebec has been doing for 12 years something that the federal government has not done. Let us also not forget that the bill before us will not be passed today and there is currently no federal legislation protecting species and their habitat, while Quebec has its own act.

Government Orders

Let us talk about something else concerning habitat. Certain members opposite often tell us that Quebec has no intention of protecting habitat. As the member for Davenport said earlier, it is important to put things back into perspective. Some of the things said in this House are not always right. Some of the arguments made are specious.

I would remind the House that, since 1996, in other words well before there was any discussion of this federal bill to protect habitat, Quebec has had a strategy on biological diversity. This strategy set out the major objectives of developing protected areas. Under the bill now being proposed, there is currently not a single habitat that is protected, because the bill has not yet been passed, while Quebec adopted its strategy and created protected areas within its own borders back in 1996.

It takes some nerve to stand up and say that Quebec has not done its job, when it has had legislation since 1989 and the federal government still does not have any legislation concerning its own lands.

• (1210)

It takes some nerve to stand up and tell Quebec that it is not protecting its habitat when, since 1996, it has had a strategy to create protected areas within its territory. However, the bill before us today, which is supposed to protect habitat, fails to do so.

We are getting doublespeak from the government members. And we are also getting it—I say this in all friendship—from certain other members of the House who say that Quebec is not protecting its species.

I will give two examples. First, we are protecting species—we could make some improvements, and I admit this—because we have introduced a mechanism, a strategy on biological diversity, which makes it possible to create protected areas, and we have passed legislation.

I would remind the member for Davenport, who says that Quebec is not doing its job of protecting the areas within its territory that, on January 24, 2002, Quebec's minister of the environment announced \$10 million in funding for nature conservancy in a partnership agreement signed with the community. The purpose of this agreement is to protect threatened areas and habitat.

Yet the federal government, I will remind hon. members, still has no legislation, while Quebec has had a strategy since 1996, with \$10 million for habitat protection. Was that enough? Of course not, but we at least have mechanisms for protection of habitat. I would remind hon. members that the Government of Quebec has a strategy for increasing the protected areas within its territory.

Another reason we are strongly opposed to this bill—and I emphasize strongly because the amendments in Group No. 2 we are presenting today are the very essence of the entire Bloc Québécois argument against this bill—is that the Government of Quebec in 1996 signed an accord on the conservation and protection of endangered species in Canada. This ensured the federal government and its partners that the Government of Quebec reiterated its intention, even though it had passed legislation in 1989, by signing this accord, to protect endangered species and to participate and cooperate with the federal government.

Government Orders

Among the objectives of the accord are two to which I will refer. It commits the governments to regulations and programs to guarantee that endangered species are protected throughout Canada and creates a council of ministers to determine the broad policies, report on progress and settle disputes. So, the Government of Quebec passed legislation in 1989, adopted a strategy on protected areas, and then signed the accord in 1996.

Today, what we are telling the federal government is that it must not take a policeman-like attitude toward Quebec and the provinces. We prefer co-operation, collaboration, concerted efforts, as the parliamentary secretary said this morning. We are in favour of joint efforts, because we signed the accord in question. We are not opposed to Canadian legislation on endangered species in Canada, but we call upon the federal government to have it protect only those habitats that fall under its jurisdiction.

Quebec has its legislation, and wants to see it applied on its territory. It does not need clauses like clause 34 of Bill C-5 to inform it at some point that if the federal government feels that the Quebec legislation is not protecting the species, then there must be a federal statute.

In closing, what we prefer is an approach aimed at concerted efforts, collaboration and co-operation, rather than having the federal government imposing a bill, and acting like a policeman.

• (1215)

[*English*]

Mr. Andy Burton (Skeena, Canadian Alliance): Madam Speaker, I am pleased to rise in the House today to speak to my amendment to Bill C-5 in the Group No. 2 debate on the species at risk act. Specifically I will address Motions Nos. 97 and 94 which deal with jurisdiction between the federal government and the provinces. I will address concerns I have with the government's record on consultation as it too is an issue discussed in Group No. 2 and make reference to the problems both this bill and Bill C-10, the marine conservation areas act, have in common.

I believe jurisdictional issues in many ways are the easy issues to resolve in our country. All that is required is for the federal government to understand more clearly its role as an example setter and not a dictator. What is federal should stay federal and what is provincial should stay provincial. When an agreement is struck, particularly on finances, it should be upheld.

Creating legislation with jurisdictional concerns is nothing new for the government. I should like to compare this situation to a piece of legislation which is now in the other place, about to be reviewed by its committee. The other piece of legislation is known as Bill C-10, the Canada marine conservation areas act. The House dealt with that bill a few months ago and it too had some major problems with jurisdiction between what is rightfully federal and what is provincial.

My biggest concern with that bill surrounded its ability to create marine conservation areas in waters wherever the federal government wanted regardless of the economic potential hidden within that area. The bill tried to alleviate the concerns of fishermen by telling them that their livelihoods would be safeguarded. However reality was clear enough to them, that a marine park meant restrictions on

gear types, catch sizes and even the creation of what are called no take zones.

Although in Bill C-10 the minister went to supposed great lengths to ensure that affected Canadians would be consulted, the bill lacked enough explanation and framework to allay those fears. Now that bill is in the other place and I sincerely hope it sees the huge jurisdictional problems it created with the provinces and works to fix this bill.

I cannot help but see the same thing happening with Bill C-5. Too often we see the federal government creep into areas where it has absolutely no constitutional right to be. With endangered species it is certainly the federal government's right to legislate against destruction on federal land, but to dictate measures to be taken on provincial land is completely out of its jurisdictional control.

I really do not understand why the federal government would even consider such drastic intrusions into provincial territory when eight out of ten provinces have endangered species type legislation already in place and the other two provinces are working on legislation.

As if that is not deterrent enough, what about the fact that the federal government signed with the provinces the 1996 national accord for the protection of species at risk in Canada. This accord included a commitment to establish complementary legislation and programs that provide for effective protection of species at risk throughout Canada.

In short, they agreed to work co-operatively to help save species at risk and now through sections like clause 61 of this bill the federal government is taking its own word back and stomping on the spirit of co-operation reached in that accord. Allow me to explain in detail using my suggested amendments to the bill. Motion No. 97 states:

That Bill C-5, in Clause 61, be amended by replacing lines 32 to 40 on page 34 and lines 1 to 15 on page 35 with the following:

"(3) The Minister may make a recommendation if a provincial or territorial minister has requested that the recommendation be made".

My amendment would seek to delete much of the current subclauses 61(3) and 61(3.1) that give the minister the power to subject provinces and territories which he deems not to have effective protection of habitat of species at risk to the contents of this act. I have suggested that instead the minister should only have the power to recommend that provinces follow the federal act instead of forcing them to do so.

Furthermore, should the House reject this motion I would ask that instead of allowing the current bill to stand with clause 61 intact and failing my attempt to fix it, it be deleted altogether and replaced with the following details included in Motion No. 94:

That Bill C-5, in Clause 61, be amended by replacing lines 22 to 40 on page 34 and lines 1 to 40 on page 35 with the following:

"61. No person shall destroy any part of the critical habitat of an aquatic species or of a listed endangered species or a listed threatened species that is a species of migratory birds, protected by the Migratory Birds Convention Act, 1994, that is in a province or territory and is not on federal land".

Government Orders

•(1220)

At first glance it may seem that I am advocating allowing the federal government to intrude on provincial jurisdiction. However it is the exact opposite. This change in the bill would ensure that only those species already deemed under federal jurisdiction such as migratory birds, regardless of where they make their home and what province they travel through, are subject to the act. This amendment also seeks to limit the federal government's role on provincial lands to one which is directly the management of those specific species and not any other species found on provincial lands.

By supporting this amendment the House would be agreeing that the federal government has no business forcing provinces to adhere to federal acts, most particular when, as I said earlier, eight out of ten provinces have legislation which protects to one extent or another species at risk.

We have seen with health care and other federal programs like Bill C-68 that the ever popular cookie cutter or one size fits all style of governance so fondly used by the federal Liberal government is not conducive to the very different needs of our provinces. The same goes for endangered species legislation. Therefore by eliminating clause 61 and replacing it with the content of Motion No. 94 the House would be agreeing to respect the jurisdictional realities of the country.

The bill is flawed in many other areas. Motion No. 39 in Group No. 2 amends clause 32. It has been presented by my Canadian Alliance colleague. It argues for the need to prove criminal intent to cause harm to either the critical habitat or the species at risk before prosecuting for offences under the act.

As it stands right now the act makes criminals out of unsuspecting landowners and land users. Bill C-5 makes it a criminal act to kill, harm or harass any one of the hundreds of endangered species or to interfere with their critical habitat. Fines are steep, up to \$1 million for corporations and \$250,000 for an individual. The act provides for imprisonment of up to five years for an indictable offence.

Someone could commit such a crime without knowing it. The bill does not require intent or even reckless behaviour. Rather it places the burden of proof on the individual to prove that he or she was exercising due diligence should harm come to an endangered species. In this way the bill ignores one of the fundamental tenets of western legal history, that criminal penalties are only given for offences committed with a criminal mind or in the Latin term *mens rea*.

Is it fair to convict people of a serious criminal offence when they might have had no idea they were even in danger of committing one? It would seem to me that in order to protect themselves from breaking this law they would have to become experts at recognizing the sage grouse, the barn owl, the Aurora trout or many other species. They not only have to recognize them. They need to recognize their critical habitat too just in case they disturb it while they are out taking a stroll in their back 40.

What about snowmobilers? When we think of endangered species and such we often think about the implication for farmers or landowners in the spring, summer and fall seasons and forget about implications in the winter months. Like many other members of

parliament I have concerned snowmobilers in my riding of Skeena. They are concerned and rightly so that the bill could adversely affect their growing recreational industry.

Canada and more particularly northern B.C. have trails and areas for snowmobilers taking them through both private and public lands. They are very concerned that the legislation could seriously limit the number of areas available for their use and could harm that industry.

I just came back from a 500 mile snowmobile trip throughout my riding and down into Wells, B.C., in Cariboo—Chilcotin east of mine. Not only is snowmobiling a growing recreational activity but these cross-country trips add much to the economies of the small towns along the way.

All of this to say that both the Canadian Alliance and I believe in effective and responsible endangered species legislation. Bill C-5 is neither effective nor responsible.

I mentioned earlier this week the need for compensation to be built into the bill and today I state my concerns over jurisdictional intrusions. I have talked about my concern that the legislation places the burden of proof on the accused as opposed to the need for the crown to prove criminal intent before prosecuting for offences under the act. Just now I have talked a bit about the bill's potential effect on tourism and the snowmobile industry in my riding and essentially all over Canada.

The bill has serious flaws. The government should go back to the drawing table and this time spend less time trying to please lobby groups and more time creating a fair, effective and responsible species at risk act. It would find that the Canadian Alliance would support that kind of legislation because we are in favour of protecting Canada's endangered species, but we will not support bad legislation and Bill C-5 is bad legislation.

•(1225)

The crux of my argument is that we have no problem with endangered species legislation nor with the marine conservation act. We support the concepts of these proposed acts, which would improve situations in Canada, especially for endangered species.

Our concern is with the fairness of the legislation, the possibility of this type of legislation which tends to come down with a very heavy hand on presumably innocent people. They may have no idea they have committed an act against an endangered species. To put them in the position of being criminals when they may not even know they have created a problem just is not acceptable.

Government Orders

Mr. Andy Savoy (Tobique—Mactaquac, Lib.): Madam Speaker, as a member of the Standing Committee on the Environment, I took my task to review the government's proposed species at risk act very seriously. There are many different perspectives on this proposed legislation. As a committee we heard 96 witnesses and considered 82 submissions from individuals, non-government organizations, other governments and industries. Our task was certainly a challenging one.

After more than eight years of debate on this issue and two previous failed attempts at passing federal endangered species legislation, we as members of parliament were asked to give our views on what kind of approach would effectively protect species at risk and treat all Canadians fairly.

Support for national legislation to protect and recover endangered species is overwhelming, both in rural and urban constituencies. In my own constituency of Tobique—Mactaquac in New Brunswick, living with wildlife in our backyards is an important part of our lives. Our traditional economy is resource based. We work in the woods, on the waters and in the fields. The rich biodiversity in our region of the country is of great value to us and we are continuing to improve how we live with wildlife.

Understanding the needs of species is the key to improving how we live with them in our daily lives. Giving us the knowledge of where species live, what kinds of food they eat and what kinds of activities may threaten them allows us to modify our behaviour to ensure their survival. Our inclusion in recovery planning ensures that practical solutions to species protection are instigated.

As a member of the standing committee and the elected representative for Tobique—Mactaquac, I sought to find a way to balance the advice of scientists and the experience of landowners and resource users so that the legislation would work in real life situations. I know that the farmers in my riding want to know where endangered species live and what kinds of activities can harm them. I know that they want to be included in identifying how we can protect and recover these species. The fishermen want to know population estimates and the life cycle details of endangered stocks, and we need their advice to find the best ways to protect these stocks. Finally, private landowners are the people best placed to protect endangered species found on their lands because they will be there on a daily basis to look out for them.

Neither the farmer, the fisherman nor the private landowner want to be ordered by government, without consultation, on what they can and cannot do. No, they want to be part of the solution and I think we can all agree that their participation will make our solutions much more effective.

I support the government motion to separate the scientific listing process from the political decisions to protect a species and its habitat. Listing decisions lead to immediate prohibitions against killing and harming of species and destruction of residence as well as mandatory recovery planning. The prohibitions may have social and economic impacts on our local communities. For this reason it can only be elected officials who should make such decisions.

The people who live in Tobique—Mactaquac have a right to have their views considered before a decision is made to prohibit certain

activities in order to save a species. The scientists also deserve to be able to provide scientific advice independent from social and economic considerations. We certainly do not want scientists being lobbied to consider non-scientific factors.

I do not support changes made to Bill C-5 by other standing committee members which are contrary to the principle that elected politicians should be held accountable for decisions that may have social and economic impacts and that scientists should be able to present independent advice. I support the government motion that restores government accountability for decisions to list species once all factors have been considered.

We should not put an arbitrary timeline on government decisions that may preclude meaningful consultations and considerations. At the same time I support the new amendment to Bill C-5 which would ensure that the Minister of the Environment would publicly respond to each and every COSEWIC assessment within 90 days and, to the extent possible, set out timelines for actions to protect the species. This ensures accountability to scientific advice while not restricting consultations with local communities.

● (1230)

Just as we should not set an arbitrary timeline on listing decisions, we should not set arbitrary timelines on action plans to protect and recover species. Each species will require a different approach depending on its needs and the circumstances of the region. The people who are best placed to find the approach that best fits the species' needs are those local people participating in recovery action, namely the landowners, resource users, scientific experts and local communities. One committee amendment put a timeline for completion of all action plans for all species. I support the government motion that will instead leave action plan timeline decisions in the hands of local recovery teams.

Fundamentally we need to find an approach that builds on everyone's strengths. The bill aims to put protection in the hands of those who live and work closest to the species. A key role of the government is to provide information and support to Canadians so that they can protect species.

Government Orders

For example, in New Brunswick the Government of Canada has many projects up and running that are helping landowners, resource users, local communities and visitors protect species at risk. There is the coastal guardian program for the Acadian peninsula, which protects nesting sites of the piping plover and other bird species by installing fencing and by educating beach visitors. In the Bay of Fundy the government is funding gill net modifications for fishermen so that we can reduce unintended entanglements of the North Atlantic right whale. As well, there is a demonstration project to restore Atlantic salmon habitat in the inner Bay of Fundy.

These projects are helping local residents, visitors, fishermen and communities protect species in a way that does not penalize them. These projects provide the support necessary to modify, not stop, activities so that both wildlife and human populations can thrive.

By providing Canadians with information about species and offering financial support for recovery teams, the government is building a co-operative, inclusive approach to species protection. This is better than an approach that relies on enforcement of laws to protect species and habitat.

The reporting requirements in this legislation make it one of the most transparent and accountable pieces of legislation ever drafted. Any Canadian will be able to track the government's record on species protection and governments will be forced to give attention to every single species at risk in Canada. Under Bill C-5, it will not just be the cute and charismatic species that receive protection.

We continue to learn that we cannot afford to treat any species as insignificant. Each species plays a role in the web of life and we should do all we can to prevent extinction of more species. Losing a species means further upsetting the balance of life.

There are currently 387 species at risk in Canada. I voted to approve the addition of all 235 species recently assessed by the independent scientific body, COSEWIC, for protection under Bill C-5. I also voted to maintain the government's "co-operation first" approach to habitat protection so that local communities can play the lead in species protection.

With the government's motions we will achieve the balance I sought to achieve by working on this legislation. By adopting the government motions to Bill C-5, I will be able to assure the people of Tobique—Mactaquac that endangered species will be protected and that my constituents will be full partners in this protection.

● (1235)

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance): Madam Speaker, I want to reassure the House that my Canadian Alliance colleagues and I are very concerned about species at risk and fully support looking after them. I want to talk about Bill C-5 and the motions before us today that deal with jurisdiction and how extremely important they are. The federal government seems content to ride roughshod over existing policies and legislation.

In 1996 the provinces and the federal government agreed to the National Accord for the Protection of Species at Risk in Canada. The accord was established to ensure that complementary legislation would exist among the federal and provincial levels of government.

The key word is complementary. It was an agreement that worked toward the common goal of saving species at risk across Canada.

The provinces are fully aware of the specific species and habitat in the respective provinces and are capable of ensuring that these species and habitat are protected. They are also aware of the impact of legislation upon the citizens of those provinces. I am aware of 33 separate pieces of provincial habitat and species protection legislation. This is obviously an issue of great importance for the provinces. They hardly need reminding of the importance of species protection.

Likewise the property owners in the provinces are aware of the impact their actions have upon species and habitat on their land. Every election year in recent memory has seen the Liberals' red book promises outlining their intention to establish legislation to protect endangered species. I would hope that in an attempt to fulfill these longstanding promises the government would not ignore the invaluable co-operation of individual provinces.

There are concerns the government would use unilateral discretion in the application of the bill. While the provinces have their own unique legislation, this bill allows for the minister to use his own discretion in imposing federal legislation upon the provinces. By what standards would these decisions be made? Individual discretion is not something to be taken lightly. What would the influencing factors be in making these decisions? Leaving these decisions open ended is unfair to the provincial ministers and causes doubts and uncertainty among the citizens of the country.

Without delving too deeply into the issue of penalties and punishment, I must say I have concerns over the issue of jurisdiction. How are property owners going to know which rules apply? They may be in complete compliance with all provincial regulations but the federal minister can override those regulations. Suddenly these law-abiding citizens are guilty in the eyes of the federal government. This is hardly fair or equitable to either the provinces or the property owners.

The principle behind the 1996 accord was to ensure that the federal and provincial governments would work together in protecting species. Both levels of government have important roles to play. Leaving the federal minister with absolute discretion over these matters is in direct conflict with the spirit of the 1996 accord.

The antagonistic feelings between the two levels of government seem to be growing daily. Problems already exist over the Canadian health and social transfer. Feelings of alienation between the west and the federal government are growing. The way the bill is currently written will only lead to feelings of animosity between the provinces and the federal government over species at risk.

Government Orders

There is also an air of secrecy included in the legislation. It allows for the federal government to fly in and impose its rules but there is no provision made for involving the property owners in the process. The property owners and those with interests in the land have the right to know what the government's plans are for that land. After all, the property owners own the land and they make their livelihood from that land. Any decisions made in relation to that land would have an immediate effect on the property owners.

● (1240)

The legislation is set up to allow for consultation processes between other levels of government, wildlife organizations and such, but no mention is made of property owners. This will only serve to build feelings of fear, resentment and uncertainty among the property owners. Those with an interest in the land must be included in these talks and consultations. The co-operation of the property owners is vital if this legislation is to be effective in protecting species and habitat.

The consultation process and actions of the government cannot be secretive. The amendments brought forward by the Canadian Alliance provide for public notice being given by the minister. It also calls for consultation between the minister and the affected property owner.

I feel that this is critical. The government is often seen as an entity unto itself, existing far off with no real understanding of the common citizen. There must be an openness among the government, the provinces and property owners. Government should not be allowed to operate behind closed doors.

We live in a democracy. While I fully understand that rules and regulations must apply to all, the implementation of these rules and regulations must be a public process. The property owners and their interests in the land cannot be ignored. Any legislation must keep in mind the rights of the property owners. They must be allowed to be full participants in any action taken by this legislation. It is essential that property owners be included. Without their co-operation, there is little hope of this legislation helping any species at risk.

This legislation will not work if it is approached with a top down attitude. Conservation and species management starts with property owners, not with lawmakers and legislators. Farmers and ranchers are among the finest conservationists in the country. Most do all they can to treat both animals and habitat with respect.

Last fall at a meeting of the Saskatchewan Association of Rural Municipalities, the RMs and their administrators and the landowners group spoke about the federal government's heavy handed fisheries department. They talked about how they cannot put in a culvert to drain a slough without a permit. It was taking up to six months to get a permit to build a road. They talked about how farmers had tried to drain sloughs and because the fisheries department was upset with them, they were fined. The farmers were charged for helping their livelihood and for helping their agricultural land.

The shoot, shovel and shut up policy will go on with this legislation. It happens to farmers and rural property owners across the country. We are conservationists in our own habitat and we will look after our environment.

If the federal government attempts a heavy handed approach, it is inevitable it will be challenged on it. Co-operation among all levels of government, interested groups and property owners is far more likely if these relationships are entered into with a feeling of respect. To override the efforts made by the provinces and the individual landowners is not respectful and will be met with challenges.

As a partner in a farming operation, I fully understand the importance of the land and its inhabitants. If we work against the land, it works against us. As landowners we see the importance of saving and protecting those species that exist on that land. The majority of Canadians feel that species and habitat need to be protected. Our environment is a great source of pride.

● (1245)

Canada has a diverse landscape and an amazing variety of wildlife. We need to protect these, but we must work together in order to ensure that full protection is offered to those species that are at risk.

[*Translation*]

Mr. Antoine Dubé (Lévis-et-Chutes-de-la-Chaudière, BQ): Madam Speaker, it is a pleasure to take part in this debate. Like the vast majority of the residents of my riding, I am very concerned about all environmental issues.

Our riding is very near the St. Lawrence River and a number of zones that border the St. Lawrence contain species of plants and animals that are important, but that are threatened. So, this is an issue that concerns many people. In principle, it is fair to say that we all support this initiative unanimously, since it is an extremely important matter.

However, the Bloc Québécois believes that the way this legislation is drafted, it does not take the provincial legislatures into account sufficiently, particularly Quebec's jurisdiction. Since 1989, Quebec has had legislation with the same objectives. Obviously, it does not always satisfy everyone.

As we know, when it comes to the environment, though many agree with the objectives, they do not agree with the means. I listened to my colleague from the Alliance who expressed her wish that we count on the goodwill of owners of private property, farmers for example, to protect species, be they animal or vegetable.

We know full well however that when it comes to the environment, goodwill is not always enough. There needs to be laws and regulations to better protect the common good, and this has to be done respecting the existing jurisdictions. In most of the cases that this bill targets, when it comes to Quebec, they are already protected. There may be room for improvement, but protection already exists.

As for cross border species—mostly birds and fish that cross provincial boundaries—if the bill targeted more specifically migratory birds, we in the Bloc Québécois could have provided our support for the bill in short order, but it goes much beyond this.

Government Orders

Basically, this bill designates the federal government as judge. It says “there are areas in Canada where the environment is less respected than others. We know best how to act. We will not take into account what is happening in the provinces and we will impose wall to wall, in this area as in others—we could mention education, health—measures that will apply everywhere”.

Of course the bill mentions co-operation with the provinces, but there are many passages in it where it says “to the extent possible”. There is always an “if possible” that infers that if the federal Minister of the Environment does not manage to convince one or several of his colleagues of something during discussions, it does not matter, because all he has to do is impose his will.

We should see if this type of negotiations is constitutionally acceptable, but that is not the subject of today's debate. I do not sit on the bench of the supreme court, so I cannot assess this point.

• (1250)

However, we wonder about this and we deplore such an attitude. The federal government will negotiate, have talks with the provinces, try to harmonize policies, but if things do not work out, it will have the final say.

This is contrary to the spirit of the Constitution. Madam Speaker, you know that very well, since you are quite knowledgeable about history—I know because I often discuss these topics with you—and you also know the Constitution very well. It is not you whom I must convince. I know that you readily agree with me that the spirit of the Constitution should be respected, by sovereignists and federalists alike, as long as the situation in Quebec remains unchanged.

What was the spirit of Confederation in 1867? The federal government was not a higher level of government that dominated the four original provinces that were behind the Constitution. It had to act in the spirit of a confederation, as is the case in Germany, in Switzerland and in various other countries, where the process is based on consultation. And when there is disagreement, it must continue to discuss the issue in order to come to an agreement. But this is not how Ottawa sees things now, and this is particularly true of this government.

The Liberal government begins a discussion that is limited in time, and that limit is set by the government itself. When it decides that this is it, the discussion ends with the federal government saying “Sorry, but since we did not manage to convince you, we will do this in the interests of the nation, which take precedence”.

A few days ago, when we were reviewing another bill—in fact it was during the debate on the Bloc Québécois' motion on health—I heard a Liberal member say that, even though health is not a federal jurisdiction under the Constitution, the federal government had to spend in the best interests of the nation. This is how he justified federal spending in that area. He then added that, since the federal government is spending, it must have a say in how this area is managed—even though it has no business in it—again in the name of the nation's best interests, a principle which is not even mentioned in the Constitution.

When a Quebecker, an Ontarian or any other citizen is elected to the provincial legislature—let us take the case of Quebec—it is as if that person had lost his judgment, even though he has been elected

by his constituents, just as we are. It is as if, all of a sudden, he had lost the judgment and the rigour that elected representatives should possess.

Supporting the bill as it now stands would be to accept this domination, which is seen as normal by certain members opposite, whereby the federal government is a superior government, composed of superior individuals with superior knowledge in all matters, although I am sure that many members spoke without even having read the bill. If all members read every clause of this bill, they would see that a good number of them irritate, suggest interference in provincial jurisdiction, and create duplication.

The public sees it as duplication when two levels of government wish to do the same thing, resulting in twice the cost, and two kinds of officials, who argue with each other. We can even see it starting here in the House of Commons, where members do not see eye to eye because they have two different concepts of the current Canadian federal system.

I have not just made a sovereignist argument. I did not mention sovereignty during my speech. I am merely going by the spirit of the 1867 Constitution. But there are in fact areas of shared jurisdiction, environment being one of them.

• (1255)

Just as the management of public and even private lands, and natural resources come under provincial jurisdiction, it goes without saying that even if species are threatened, when they are swimming in our rivers or flying and crossing borders, we must look after them. That is the crux of what I am saying.

[English]

Mr. Brian Fitzpatrick (Prince Albert, Canadian Alliance): Madam Speaker, there are two processes governments can use to deal with problems in society. One way is to command or order a result. The former Soviet Union had a command system. In a command system the government orders people to do things and hopes it works out.

The other approach to good public policy is to manage situations so all stakeholders involved in the process co-operate. History and the study of public administration show the second method is far preferable to the first. However the Liberal government chooses the first. It is too much work to do it the other way. It is far easier to get bureaucrats to draw up legislation and regulations that command or order a result.

We pride ourselves on living in a free and democratic society. It would be wise for some of my colleagues across the House to sometimes stand back and ask what the ingredients are of a free and democratic society. One of the things that separates us from countries that are not free and democratic is that we do not convict people of serious offences without a guilty mind. That may be the way of other countries. I am certain the Taliban dealt harshly with a lot of people who did not do anything criminal in their minds.

Government Orders

It is offensive that people could be looking at five year jail sentences and \$250,000 fines when they did not have guilty minds and did not intend to cause harm to endangered species. Maybe a lot of folks in Toronto would be guilty of this crime. I am sure the lifestyles of urban people in Toronto and Montreal have a far bigger impact on endangered species than those of farmers and landowners in Canada.

Another ingredient of a free and democratic society is respect for property rights and the freedom of the individual. Increasingly the government is showing a hostile attitude toward individual freedoms and property rights in our society. It is as if the government owned all the property and people had their property at the pleasure of the Liberal government.

There is another thing that bothers me, and we can look at the Booth case in the British system and so on. Free and democratic societies respect privacy. Free and democratic societies do not allow the state to charge into someone's home in the middle of the night to conduct a search and seizure. However the Liberal government allows it. Why does it allow it? It does not allow it with regard to dangerous sexual offenders, terrorists or people like that. It allows it with respect to people who own long guns. They are the people who break the law.

In many respects the name Liberal is becoming the antithesis of liberty and freedom. The Liberals should seriously look at changing their name because it no longer matches up with these concepts.

There are a whole host of examples where the government has an agenda of hostility to rural Canada. It is as if it hired Warren Kinsella to become the general of kicking butt in rural Canada.

There are some species that should be at risk in our society. We should be looking at that. We had the pleasure of having this individual aim his gun at us during the federal election. Now he is aiming the gun at some of his own people and they are starting to get a dose of their own medicine. I think we can all agree that maybe this person should become an endangered species.

I will go through some examples of the continual war on rural Canada the government keeps pushing through. It is shameful. It shows an ignorance of the realities of rural Canada but the government insists on going ahead with it.

●(1300)

A huge bureaucracy in the fisheries department goes around harassing farmers, landowners and local governments for doing such simple things as maintaining bridges and roads, removing hazards in their communities and doing minor ditching. The government imposes huge fines on people for doing things they have been doing for ages. The government is crippling organizations by asking them to do environmental impact studies on the most minor of things. These people do not have the money or resources to get into that sort of thing but the government has done that.

Let us look at the wheat board. Let us suppose an individual is trying to support a family of four. Bankers are knocking on his door, commodity prices are low and he finds a market for his product in the United States. He gets double what he can get in Canada by selling it to the United States. A lot of Liberals feel the U.S. is a great

evil empire or dangerous concept, but he takes his grain across the border and sells it to the Americans.

What is the nexus of his crime? Is it selling drugs to youth? Is it violating someone's basic rights and so on? I cannot think of any rights being violated except the farmer's right to make a living. The government turns him into a criminal and puts him in jail for six months. It hauls him to court with irons on his legs as if he were a menace to society. The government targets him to send a message to other farmers that they do not have property rights. If they grow their grain and so on the government will decide who they sell it to, how they sell it and how much money they get. That is the Liberal way. It is not the Canadian way but it is the Liberal way.

Canada has all these livestock, poultry and pork producers who are trying to make a living and keep people fed. Along comes the fanatical animal rights movement and the Liberal government buys it hook, line and sinker. If that became law it would be as negative to the rural way of life as the endangered species legislation. We would have fanatics challenging longstanding agricultural practices, harassing law abiding citizens with unnecessary court proceedings and prosecutions, and putting people further into the hole.

The Liberals like putting people in holes. It is the Liberal way. When they get them in holes they have them under their control. Rather than giving them ladders to climb out they like to dig the holes deeper and impoverish Canadians.

We have the wheat board, the firearms registry, and the endangered species legislation which would have horrendous consequences for accidentally causing damage to endangered species. When we go down the list we wonder what the government is up to. Liberals pander to real criminals. They make sure someone serving 25 years with eligibility for parole has the right to vote in federal elections. That is important. The government does not register dangerous sexual offenders. That would be going too far. However it is perfectly okay to register all law abiding citizens in Canada who have long barrel rifles. The government brings in anti-terrorism legislation that seems to target regular Canadians more than the real threat of al-Qaeda and terrorist networks around the world that can move in and out of the country unimpaired. It is a strange thing.

I understood the Bloc would be supporting the bill but they tell me they are not. I am glad to hear that. Bill C-5 would be the culmination of the Trudeau way. It would transfer all the power to the enlightened, friendly dictatorship in Ottawa and let it manage and run everything in the country. A lot of people including those in the caucus are starting to realize it is a dictatorship but enlightened and friendly is perhaps not the correct terminology for it.

Government Orders

I think of people in certain female caucuses who found how enlightened and friendly the dictatorship is and what its dangers are. The country needs to realize that the transferring of more power to this centralized and unenlightened dictatorship must stop.

● (1305)

The Acting Speaker (Ms. Bakopanos): Before we go to debate I remind hon. members that it is not up to the Chair to censor members or in any way influence the content of members' speeches. However we are dealing with amendments to the main motion and I caution hon. members to stick to the subject at hand. Relevance is always pertinent in terms of our debates in the House.

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Madam Speaker, I will do my best to adhere to the rule of relevance.

If I understand correctly we are debating the Group No. 2 amendments. In the grouping we have a number of amendments, if I understand correctly, by the Canadian Alliance which seek to put into the legislation an element of mens rea or mental intent in the nature of the offences that would be created through the bill, that we find unacceptable and which the committee found unacceptable.

After having studied the matter, and I am told by our critic in this area, the member for Windsor—St. Clair, that the committee spent an awful lot of time looking at the issue and the way similar laws are designed and enforced in various provinces, I came to the conclusion that if the kind of language the Alliance is seeking to put into the legislation were to be put into the legislation it would make enforcement of the bill very difficult and the likelihood of obtaining convictions in the matter would be very difficult indeed.

The idea is to protect endangered species, not to create an endangered species bill which would make it almost impossible to protect endangered species but which would nevertheless have the name of a bill to protect endangered species.

It is on those grounds that we think that in any defence people might offer with respect to whether or not they intended to put at risk, kill, injure or in any other way damage an endangered species the matter of intent could be taken into account by the courts when it came time for sentencing, but that trying to put too stiff a requirement with respect to intent at the front end of the process would in the judgment of the committee create a situation whereby the likelihood of the bill being used as it is intended, which is to say to protect endangered species, would be reduced to the point where the usefulness of the bill would be called into question.

Those are the grounds on which we find ourselves unable to support many of the amendments that have been put forward by our Alliance colleagues. It is not because we think the matter of intention is irrelevant but because we think the matter of intention or mens rea is something that should be dealt with differently than in the way they are suggesting.

I might also add that none of us here are obligated to agree with what is passed in committee. I have certainly had many occasions in the House to disagree with what has been arrived at in committee, but in this case it seems to me that the committee has done its work rather well.

This is an issue that has been before the House for a long time, as I am sure members will know, not just before this parliament but

before a previous parliament and perhaps even a previous parliament, and it is high time parliament demonstrated it was able to deal with the issue.

The committee it seems to me took its job very seriously, went about the process in a non-partisan way with a great deal of co-operation, and arrived at conclusions that are worthy of our highest notion of how a parliamentary committee should work. It is one of the reasons we are so distressed on this side to find that the government at report stage is dedicated to undoing the work of the committee and the great work done by so many members of parliament on the committee on both sides of the House.

● (1310)

It must be particularly distressing for government members on the committee to find that their work is now held in so little regard by their own colleagues in cabinet and in government, that at report stage we would see the slew of amendments we now see designed to undo the work of the committee.

One cannot win around here. Committees rubber stamp what the government wants and people say the committee process does not work because it is a rubber stamp. Government and opposition members work together to improve a bill, to respond to what they have heard from the Canadian people and from people who have come forward to indicate their concerns about the legislation. The committee process works according to the ideal, that is to say, not taking the legislation on its face as if it is beyond criticism but working to improve it in an all party way. Then the bill comes back, the government says that it is very nice and amends the bill back to the stone age from where it came originally, from the drafter's pen.

We think the government is reinforcing, in a terrible way, a kind of cynicism about the parliamentary process and a cynicism about the arrogance of the government, in this case not toward the opposition but toward its own members.

There are a great many qualified people on that committee. I will not name them, but I have known some of them for a long time. They have reputations in their own right as concerned, dedicated and knowledgeable environmentalist MPs. Here was an opportunity to take advantage of their expertise, dedication and the work they were doing with like-minded people from all parties on the committee. It would have been a great day for parliament had this bill gone into committee, been as substantially amended as it was, came back to parliament and then respected in its amended form by the government.

Government Orders

That would have been what we teach our kids in school about parliament, that a bill passes at second reading, goes to committee to be studied, improved upon and amended and then comes back to parliament for final approval. We do not teach our kids that a bill goes through second reading, then goes to committee and anything that gets done in committee which the government does not like gets undone at third reading. That is not the way the civics books read and it is not the way they should read, particularly when we know that what happened in committee was not the result of mischief, falsely concocted majorities or absenteeism on the part of government members that permitted the opposition to succeed in something they otherwise would not have succeeded in. No, what we have before us is a bill that is the end product of a very deliberate and well considered process, yet does not seem to mean anything to the government.

Members of the government who are in the know, in the loop, and who may have a little clout in whatever small pockets of the Liberal universe they occupy, a universe with many pockets and most of them lined, might want to consider why there is a growing sense of desperation over there with respect to how their party works. This is indeed an example of what is wrong with the government and what is wrong with Canadian politics.

• (1315)

I wish I had the opportunity to rise and say, is this not a great day for parliament, the committee did its work, parliament is now respecting the work of the committee, or at least the government is not seeking to undo the work of its own members, but I am not able to say that. Instead, the opposite is the case.

Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Canadian Alliance): Madam Speaker, I am pleased that you are here today to hear the remarks being made. I am also pleased to see that 3 or 4 of the 178 Liberals elected to the House are here as well.

I listened with interest to the comments of the hon. member from the NDP. I recognize and congratulate them. They are well known for their environmental concerns. However I would hope that any group backing the bill does not become so blinded by the need to put something through to protect endangered species that they ignore some of the harm that can be done from the bill at the same time.

One of the real challenges an MP faces in general terms with legislation is voting and how to really with good conscience decide exactly how he or she will vote on a particular issue.

I wrote an article that went out in my householder recently which talked about the concept of voting on omnibus bills and what to do when facing a bill that maybe had some good things and bad things. Does one vote for the good things and ignore the bad things? Does one vote against the bill because of the bad things and ignore the good things? It is a very perplexing and challenging thing for a member of parliament. Perhaps in itself it is one of the hardest things with which MPs have to deal.

It is particularly frustrating when we have a bill like this, which was good at the outset and which the Canadian Alliance very strongly supported. Who in their right mind would not support the concept of wanting to protect species that are endangered in the country and in the world?

The problem is we have a bill that suggests it will deal with these very things but at the same time it has harmful things in it which are not necessary for the protection of endangered species.

For example, yesterday we talked in terms of compensation. Whether we compensate or do not compensate people has nothing to do with the protection of endangered species. Whether an individual is compensated or not will not alter the aspects that we look at in terms of protecting an endangered species. It becomes a question of right. We are putting through a bill that addresses endangered species, but we are not doing the right thing by addressing the right of a person to compensation for loss of their personal property or the use of that property.

Today, we are looking today at a question of responsibility. It becomes slightly greyer I suppose in one sense. It is not quite as black and white as yesterday in terms of compensation. The bill has a provision which can be interpreted and utilized to penalize people for damaging the habitat or even directly the species themselves at danger without even having known they did it until after the fact.

The hon. member from the NDP said we had to have that because it made it too hard to prosecute people if we had to prove they meant to do it and that there could be consideration in sentencing. Consideration in sentencing means that they would be found guilty of a criminal act. Even instead of the \$250,000 fine, they were given a token fine of \$1,000, \$500 or even a dollar, they would still be criminals and have a criminal record. That is just not acceptable when people do something in all innocence and have no way of knowing they have broken the law, rule or regulation.

How can a farmer ploughing his fields search behind every corn stalk, sheaf of wheat, down every drill hole or every possible place? Plus, they would have to know ever single organism that is in the endangered species act, how to identify them perchance they find some evidence of it on their property so they could take some action to protect that endangered species, whatever it might be. That is absolutely impossible.

The government said it is clearly not its intention to attack people who innocently do something and that that would be taken into consideration.

• (1320)

I remember back some years ago when the now industry minister was the justice minister. He came in with a bill called conditional sentencing. Conditional sentencing was supposed to give judges the discretion that if someone was convicted of any crime and the court felt that there was no need for public safety to put that individual in jail that person could be released on a conditional sentence and serve no time in jail.

Much to the horror and shock to the public and certainly to us in the House on the opposition side, we found that violent offenders and rapists were being given conditional sentences by the courts. When we brought that concern to the House and faced the minister, the minister's direct response was that it was never their intention that it be applied that way.

Government Orders

Whenever the possibility exists, intention means absolutely nothing. The government must write it in a way that cannot be misinterpreted. Its intention must be absolutely crystal clear when it writes the bill. There cannot be any false interpretation that either harms innocent people or turns guilty people free as happened in the case of conditional sentencing.

In terms of intention, this provision of the bill questions the integrity of farmers and ranchers. It shows a suspicious nature on the part of government. It suggests in some cases that the government does not trust their good judgment and integrity. How would the government have come to that type of attitude, that it would feel that cynical about the integrity on the part of farmers and ranchers in relation to the bill?

I guess the best way to illustrate this is a story I heard some time ago about an individual on the west coast of Canada who went sailing one day. It was not a particularly good day for sailing but he went anyway and found himself in some serious trouble. This individual probably would have died at sea were it not for the sharp eye and the swift action of a lighthouse keeper on the rugged west coast. As a result of that action the individual was saved.

Naturally this person was very grateful for what happened and actually went to the trouble of hiking into many of the light stations on the west coast, bringing with him a little gift, a bottle of wine and some other things, as a token of thanks to the people who manned these lighthouses and who had saved this person's life.

Sometime later this individual ran for parliament, managed to get elected and found himself on the government benches. He went through some different positions and was elevated to be a cabinet minister. He found himself as the minister of transport ironically at the very time the government decided to start shutting these lighthouses down. This individual had said to the lighthouse keepers "I am in your debt and if ever there is anything that I can do for you, you can count on me". Here was the minister of transport in charge of shutting these lighthouses down.

The west coast of Canada is very rugged and a lot of pilots, float operations and so on in a fog infested coast rely on these lighthouse keepers as do people at sea, as obviously this minister had relied on as well.

Is it not ironic that the government appears to have this suspicion of farmers and ranchers that it has to question their integrity to the extent that it has put in the bill the ability to prosecute them for damaging habitat that no one even knows existed and has found out after the fact? Perhaps now at least we have some explanation. Integrity I guess is in the eye of the beholder.

Anyone who can profess that kind of gratitude, make that kind of commitment only to be the very person in a position of power who chooses to shut those lighthouse keepers down, I think suggests what the farmers and ranchers who may innocently destroy habitat or endangered species can expect from the government, intentions notwithstanding.

• (1325)

Mr. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I believe it is absolutely essential that we get a law in place to protect species at

risk. We have waited far too long, seven years. We cannot fail Canada's species, the world's species, by failing to enact a law.

Much has been made of the proposed species at risk act: Is it too strong? Is it too weak? Does it protect enough? Does it prohibit enough?

My remarks will centre on the need to remember that Canada's territories must be treated as full partners in the approach to the protection of species at risk. I would also like to use my time to address the importance of the co-operative approach and of the national aboriginal committee.

There is a significant amount of federal land in the territories, but the territories, under the proposed legislation, are not treated like little brothers and sisters, they are treated as equals. We must continue to ensure that this full partnership is not undermined in any way. That is why the approach must be one of joint actions, not a heavy-handed, top down law. A balance is what we must strive for. This is certainty.

In Canada, the federal government must work with the provinces and the territories as part of its constitutional structure. This applies as well to the protection of species and habitats. Protecting species at risk is a shared responsibility of all governments, that includes Nunavut, Yukon and Northwest Territories.

The overall strategy for protection of species at risk is ensuring that the federal portion of this responsibility is met. The bill is one element of the strategy and it complements the work done by other levels of government. It also builds on the partnership approach under the federal-provincial-territorial accord for the protection of species at risk. It also, of course, reinforces the stewardship component of the strategy.

The accord is one of Canada's commitments to protect species. We also have commitments to international and domestic agreements, such as the United Nations convention on biological diversity and the migratory birds convention.

Unfortunately, the standing committee amendments eliminate the incentive for Yukon, Northwest Territories and Nunavut to complete the development of their own species at risk legislation to meet their commitments under the accord. That is certainly not good news for wildlife.

The standing committee's approach, whereby the safety net is only available in the territories for game species, is not consistent with current practices and contradicts ongoing devolution of federal responsibilities to territorial governments.

Bill C-39, the new Yukon act, was introduced into the House of Commons in October. The purpose of the bill is to transfer responsibilities for federal land and resource management in Yukon to the government of Yukon.

Yukon's responsibilities will include "conservation of wildlife and its habitat, other than a federal conservation area". This means all wildlife, not just game. If we were to accept the standing committee's approach, we would be contradicting ourselves.

Government Orders

While the federal government is devolving authority to the territories, the federal government would also be taking away this authority through the species at risk act.

Let me also note that the formation of the proposed legislation has involved wildlife management boards under land claims agreements and aboriginal peoples in a variety of ways. They have been at the table for many rounds of discussions. They have provided a very significant advisory capacity by helping us to fully understand the issues, needs and capacities to protect species at risk.

For the first time ever, in any piece of federal conservation or environmental legislation, we are entrenching the role and importance of aboriginal traditional knowledge. These are the people whose traditions tell us about the habits and patterns of birds and animals. These are the people who know, because they have been told by their parents and the parents of their parents, that certain plants can survive in certain places.

This knowledge will help us protect species and it will further help us plan effective recovery. In fact, we are incorporating aboriginal traditional knowledge into our assessment and recovery process in a formal way. This is quite unique.

It is absolutely essential that the first nations of Canada have mandatory consultation on species at risk and when they are being protected. A lot of the species live on their lands or lands that will be their lands after a treaty. It is absolutely essential that they have the chance to be consulted as we proceed in these initiatives.

● (1330)

I would also like to speak in support of the motions for a national aboriginal body or committee on species at risk. This is an enormous step forward. We are recognizing and putting into law the importance of the relationship with aboriginal peoples to the land and to wildlife. With this committee, with this legislation and with the incorporation of aboriginal traditional knowledge into the assessment and recovery of species, we are moving forward.

I also support the overall co-operative and inclusive approach of the legislation. Bill C-5 is flexible enough to make room for all Canadians to get involved with species protection recovery: from the fisherman to the trapper, to the territorial governments, to the aboriginal organizations, to wildlife management boards, to biologists, to mining companies and everyone else. Bill C-5 also has teeth, but what is most important is it does not bare them in a threatening way. They are there if necessary.

The emphasis is on co-operation, building partnerships with the people on the ground. This will work.

The policy intents of Bill C-5 were not arrived at overnight. They came from years of study and consultation, of discussion and examination. We know, because it is already working, that the co-operative approach is the Canadian way. We know it is the only way. The time to act on this legislation is now.

Let us pass the bill so we can get on with the more important task of actually protecting and recovering our species at risk.

● (1335)

Mr. Ken Epp (Elk Island, Canadian Alliance): Madam Speaker, it is interesting that the member who spoke previously was very

glowing in his support of the bill. I wished he had used some of his time to tell us why he will vote against the very good amendments we put forward. After all, at report stage that is what we are talking about. We are talking about the amendments that have been put forward.

I should not prejudge the matter, but I would predict, and if I were a betting man I would bet up to a nickel on it, that he will vote against all the amendments from Canadian Alliance because they have the wrong label. If the amendments were Liberal, he would vote for them. That is just a strange and curious coincidence, I am sure.

I want to talk a little bit about the amendments in Group No. 2. This is a very important bill. I want to make sure, by reiterating in broad principle, that I, and I am sure all of my colleagues and probably all the members in the House, want to see proper legislation that will promote the preservation of endangered species.

I have the great privilege of living on a country acreage in Alberta. It is a place where we have been for a number of years. We bought it at a good price at a time when we could afford it. Subsequent to that the price has gone up, the taxes have gone up and sometimes I wonder whether we should stay there.

One of the features of our place is that we have a little lake nearby. On that lake is an unusual species of duck. Unfortunately I cannot remember the name for that species of duck but it is a very interesting duck. People from all over Canada and the United States go there, put up blinds to observe the ducks and shoot them with their cameras, not with guns. I do not know if the ducks are an endangered species but they are a unique species which attracts quite a bit of attention.

I do not see any reason in the world why, if we have a species which is endangered, we should not take adequate and appropriate measures to prevent that species from becoming extinct. How do we do that? Strictly speaking, except for lands which are specifically under federal jurisdiction, this is not within the realm of the federal government unless it can say that it is a criminal offence.

I take great offence at the ease with which the Liberals are creating criminal offences just so they can usurp the power of the provinces. They are quite ready to make a criminal of a person who fails to comply with some administrative procedure. The best example in our area is that of the gun law. The reason I am mentioning it here is because the Liberals are applying the same principle in this legislation, which is that in recognizing that the enforcement of the registration of guns is a provincial jurisdiction, they have brought it into federal jurisdiction by saying it is a criminal act to fail to register. That is absurd.

Government Orders

If a person walks into a bank or a store with a gun, or a knife for that matter, and attacks the owner of the store, steals the money, injures the person or even kills him, that is a criminal offence because a crime is intended. However, that person may simply have failed to fill in an administrative form that says he or she has a device, be it a knife, a sledgehammer, a baseball bat or a gun. The Liberals have chosen the gun, which is one of the tools used to perform criminal acts. However, they have not said that using the weapon in an offence is a criminal act. They have said that failing to fill in a piece of paper and registering it with the government is a criminal act.

Quite clearly this is in violation of a very important—

• (1340)

Mrs. Karen Redman: Madam Speaker, I rise on a point of order. I know my hon. colleague will eventually find a way to tie in this somehow obtuse discussion to the species at risk legislation. I am wondering if he would speak to the amendments before the House.

The Acting Speaker (Ms. Bakopanos): I thank the hon. member for raising the question of relevance which I have raised already three times since I have been here. I am sure the hon. member will get to his point.

Mr. Ken Epp: Precisely, Madam Speaker. I was talking about the general tendency of the government to control anything it wants to by making it into a criminal offence. Because the federal government by law has jurisdiction over federal criminal law it can make it into a criminal offence. That is precisely what I was driving at and I thank the hon. parliamentary secretary for drawing the attention of all the people listening to that important fact. Our amendments in this group address that issue. We are saying this is not a criminal offence.

I will give a specific example. I have related this in the House before, but it was a long time ago. It bears repeating because it is a good example. I was driving along in my old Chevy Suburban on my way to a meeting somewhere in my riding and a mother duck came out from the side with five or six little ducklings waddling along behind her. I can relate to that family. I immediately checked my rear view mirror. I computed that the truck behind me would have time to stop. If I did not stop for these ducks, the truck behind me would undoubtedly have wiped out the family. I said to myself, I think he can stop because he was far enough back, so I threw on my four way flashers and put on my brakes. I stopped and observed mother duck taking all her little ducklings across the road. This is not an endangered species, however it demonstrates that I for one am not ready to run over a family of ducks and little ducklings because they are to be protected. They are also a form of life.

What happens though if I am driving along, and let us take that same scenario, and the truck behind me could not possibly stop? Would I stop? No. I would say that my life and the life of the truck driver, who may be forced to take the ditch, are more important than this poor little duck family. I would have to make that instant but difficult decision and I would make the right one.

The same thing is true for endangered species. I grew up on a farm and I related this also the other day when I spoke on Group No. 1. Sometimes, much to our regret, we would not notice a nest of birds with eggs until it was too late and totally accidental. What does the Liberal government do? The government says to farmers who fail to

protect an endangered species that if they run over and kill an endangered species family they would go to jail. There would be a fine of \$50,000. That is not fair because the principle of law is that criminal offences only apply when criminal intent is intended.

It is a criminal offence to use guns in producing a crime. It is not a criminal offence to fail to fill in paperwork. It is a criminal offence to wilfully and purposefully destroy the life of an endangered species. It is not a criminal offence to do so accidentally. Does the bill give any peace of mind to farmers and other people, hunters who happen to be out driving somewhere in the woods? It gives no peace of mind to them. It makes them into criminals even though there is no criminal intent. The principle of the bill is wrong. Our amendments in this group try to address that.

It would be great if we could go through those amendments one by one in detail. If all the Liberal members would pay close attention and think about the principles they may say that they had better amend the bill and make sure it is corrected. Maybe the Alliance amendments would do that and the Liberals would support them. That would be the correct way of responding to this offensive legislation, or at least the parts of the legislation which are so offensive because the intent of it is fine.

• (1345)

Mr. Keith Martin (Esquimalt—Juan de Fuca, Canadian Alliance): Madam Speaker, here we go again. In the last parliament it was Bill C-33, the species at risk act. Did the government pass it? No it did not. We have come full circle to Bill C-5. The public should know the government fully intends not to make it work. This is a bill the government understands is clearly unworkable.

That is why my party and all of the opposition parties have introduced 136 amendments. Why? We want to make sure the bill is workable and that we have a bill that will protect endangered species.

The public would also be interested to know that the government has violated its own members. Many members on the committee from all sides, including the government side, proffered good, constructive solutions that if listened to would make the bill strong, workable and ensure that endangered species are protected. However the government has not done that. I read that the Prime Minister's Office and the minister's office have chosen to introduce amendments and changes that would emasculate the bill, so we will have a bill that cannot work.

I was appalled when I went up to the environment committee once and took a look at the bill which is about 3 cm thick. This is a 3 cm thick bill that is so unworkable that it begs for legal problems that will only tie up the courts and will not in the end protect endangered species. There are three areas that we want to focus on in the bill: mandatory compensation, penalties for the intentional destruction of habitats and jurisdiction.

Government Orders

On the issue of mandatory compensation many of us have been proffering that this is the way to go and yet the government has not done that. It has left it up to the jurisdiction of the minister. We cannot save species without enabling mandatory compensation. What has worked in many other parts of the world is they have sat down with the different stakeholders. In fact in Saskatchewan, with respect to the black footed ferret, the provincial government has done an outstanding job by working with farmers and ranchers to set up methods of compensation to ensure farmers would not be done hard by and that critical habitat would be protected. That is a model the federal government should be looking at because it works.

The second issue is one of jurisdiction. We have a bill here that would deal with federal lands which is a small percentage of our total landmass. Endangered species do not know jurisdictions. A bird, a plant, or an animal will go where it wants to with no care of jurisdictions. We have a bill that will not protect endangered species at all.

Why is this important? We have 198 species that are at risk. Those numbers are not going down they are going up. If we rolled back time 50 years we would see the variety of species, the biodiversity of animals and plants that we had then. We are in the worst possible time in the history of the planet. Species are going extinct at a rate that is astronomical. The species we have today will be very different from what we will have in our children's or grandchildren's lives. They will be far more restricted and constricted.

How do we deal with this? First we must list species and habitat on the basis of scientific evidence not on the basis of political expediency. The way to do that is to deal with COSEWIC, committee on the status of endangered wildlife in Canada. This is a group of esteemed scientists who have put forth an articulate, scientifically based analysis of the species that are at risk. That is what the species at risk should be based on.

There is the issue of protection. The government should work with the provinces and municipalities to protect critical habitat. In that way we protect all of the habitat not a small sliver, which the bill attempts to do but fails in doing. As I explained earlier we should look at the example of Saskatchewan in regard to compensation.

• (1350)

I wish to talk about CITES, the convention on the international trade in endangered species. The public would be shocked to know that the trafficking of endangered species is the second largest trafficking product in the world behind drugs. It is a multibillion dollar industry. Canada is one of the top three centres for trafficking in endangered species in the world. This has been known for years, yet in my eight years of being here I have not once heard from the government any effort to make sure that our obligations as a signatory to CITES would be upheld. In fact, we are known as a country that is completely violating our obligations under this important convention.

The last part deals penalties. A person recently was found trafficking in one of the largest consignments of ivory ever found and received a \$10,000 fine. That is absolutely pathetic. We need penalties that are strong, tough and apply to those individuals who wilfully cut the gallbladders out of black bears, destroy herds of endangered ungulates and damage, destroy and pick plants of

medicinal value that are threatened or becoming extinct. Heavy penalties must be applied because the profits from the trafficking of these species is huge.

I have two private member's bills that deal with all of these issues. The government needs to look at them and I hope adopt those bills. They would enable us to accomplish good, strong endangered species legislation.

There are two last points on which I wish to speak. First is our international obligation. We have to ensure that Canadian companies working abroad are not wilfully destroying the environment.

There is a situation right now in Belize where a Canadian company, Fortis, is involved in building the Chalillo dam on the Macal River. This dam would destroy the largest area of pristine habitat in Central America. This is being done by a Canadian company through environmental studies that were sponsored by CIDA. When we try to get an answer from CIDA, it twists every which way like a pretzel to not allow the House to have information as to where taxpayers' money was or will be spent regarding environmental studies on this particular project.

The public would be appalled to think that the government is wilfully ignoring evidence that this dam would destroy critical habitat for jaguars, tapirs and numerous tropical birds in Central America. Why should taxpayers fund studies that would not be released but may show evidence that a Canadian company is destroying the largest undisturbed habitat in Central America? Canadians would be shocked if they knew that. Yet the government obfuscates and obstructs any kind of effort to find out that information.

The last area deals with balancing off the interests of the public in terms of endangered species. During my time working in Africa I spent a lot of time in the African bush looking at ways in which the environment could be protected. After my 17 trips there and hundreds of hours in the bush, the best evidence that I have ever seen comes from a place in KwaZulu-Natal, South Africa. Officials married up private interests with habitat protection. They came to the conclusion that animals, plants and habitat must pay for themselves if they are to survive. Wanting these things to survive will not work because these areas need value, and indeed this can be done. Funds can be generated from habitat through culling for protein, hunting for game, and charging large amounts of money as a certain number of game is actually taken out. This can also be done for medicinal plants which can be grown to generate money.

The money generated from this as well as from ecotourism and other opportunities must be shared by two areas. First, some of that money has to go back into the environment, to the game wardens and the parks people that are there to protect the environment. Second, it has to be shared by the people in the surrounding areas. If the people in the surrounding areas do not see value in a particular reserve or park, that reserve or park will be destroyed.

There is a model that I would like to see the government use when it is at the G-8 summit. It is part of the new plan for African development that it is working on. By linking up the Johannesburg summit, the Rio summit and the G-8 summit, and by triangulating those three things we would be able to involve poverty reduction, primary education along with the protection of endangered species and critical habitat.

• (1355)

If we are able to do that we will accomplish the objective of the bill which is to protect endangered species in Canada.

Mrs. Lynne Yelich (Blackstrap, Canadian Alliance): Madam Speaker, I know first-hand the need for effective species at risk legislation. I am a resident of Saskatchewan, a province that has been converted from a rich grassland ecosystem with an abundance and diversity of wildlife species to one of the most modified landscapes in North America.

Saskatchewan has suffered the loss of more than 40 million acres of natural landscape. The statistics are beyond alarming. Some 75% of native grasslands are gone; 80% of the aspen parkland is lost; 50% of wetlands are gone; and 20% of our native plants are listed as rare and are disappearing at an alarming rate.

Progress in alleviating the problem has been the result of a joint effort between legislators and landowners. Local communities such as Wadena and Chaplin have capitalized on tourism opportunities promoting the importance of local wetlands.

The key to this is the people of Saskatchewan who took enough pride in their environment to protect and promote it. For the species at risk act to be effective we therefore need co-operation with the provinces. The bill before us would give the federal government power to impose its laws on provincial lands. To make matters worse, the process would be left to the minister's discretion. That is too much uncertainty for landowners.

There are landowners and farmers in my community who have resentment and distrust for the government regarding Bill C-5. The government is not getting off on the right foot when these are the initial reactions to its legislation.

Saskatchewan has an endangered species legislation. It is based on co-operation and the premise that endangered species exist on private land because of landowners and not in spite of them.

Landowners appreciate wildlife and make a point of preserving habitat on their land. They often do this at their own expense. Saskatchewan's legislation was an entirely co-operative effort with the agricultural community. It was designed to assist and reward landowners with species at risk on their land. Co-operation and compensation are key elements.

STATEMENTS BY MEMBERS

[English]

NATIONAL PARKS

Mr. Larry Bagnell (Yukon, Lib.): Madam Speaker, I rise today in recognition of the 30th anniversary of the creation of Kluane

S. O. 31

National Park in Yukon. On February 22, 1972, over 22,000 square kilometres was proclaimed Kluane Park and Reserve.

Kluane Park is home to Canada's tallest point, Mount Logan, but the park boasts more than sheer physical beauty. Kluane is the home to a unique culture that dates back thousands of years as the traditional territory of the Southern Tutchone people. Today the Champagne and Aishihik First Nation and the Kluane First Nation continue to carry out traditional activities like hunting and trapping in the Kluane region.

It is estimated that 60,000 people visit the park every year. I urge members of the House today to visit one of the most stunning national parks in the country. The year 2002 marks the International Year of Mountains as well as the International Year of Ecotourism so I can think of no better place to celebrate these events than in Yukon's Kluane National Park.

To hon. members I say thanks, merci, *Masi Cho*.

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CITIZENSHIP AND IMMIGRATION

Mr. Andy Burton (Skeena, Canadian Alliance): Madam Speaker, I bring to the attention of the House the plight of a family in my riding, a situation that was first brought to light here by my predecessor before the last federal election and that has touched our leader and other caucus members.

The Vivier family came to Prince Rupert from South Africa because of the cloudy climate there, as three of the family members suffer from an illness called porphyria which is non-communicable but causes the sufferer to have a severe allergic reaction to sunlight.

There have been letters written to the minister and petitions tabled in the House on their behalf. On Wednesday, February 20 the city of Prince Rupert held a town rally to show its support for the family who truly fits the humanitarian and compassionate immigration clause.

I have written to the minister about the issue at the beginning of the month and have yet to receive a reply. I would urge the minister once again to please take notice of the issue and reply to my concerns as soon as possible.

* * *

• (1400)

BLACK HISTORY MONTH

Ms. Beth Phinney (Hamilton Mountain, Lib.): Madam Speaker, the Reverend John C. Holland Awards were recently held in Hamilton to mark the beginning of Black History Month. I congratulate the recipients honoured at the awards dinner.

Both Norma Rookwood and the Stewart Memorial Church were recognized for their efforts in preserving and promoting black history in Hamilton. Brock University professor Dr. Sybil E. Wilson was honoured for professional achievement in her field of education.

S. O. 31

Tanya Charles, concertmaster for the Hamilton Philharmonic Youth Orchestra, received the Youth Achievement Award and Jeremy Shand was awarded the Educational Bursary of \$1,000 toward his multimedia studies at Humber College.

I am sure all the hon. members will join me in congratulating the winners for their achievements and for their contribution to the Hamilton community.

* * *

2002 WINTER OLYMPICS

Mrs. Karen Kraft Sloan (York North, Lib.): Madam Speaker, it gives me pleasure to stand today to acknowledge the accomplishments of two of our Canadian athletes who earned medals at the Salt Lake City Olympics.

I congratulate Veronica Brenner of Sharon, Ontario from my riding of York North who placed second and won the silver medal in the aerials event, just ahead of her teammate Deidra Dionne. A three time Canadian champion, Veronica Brenner has been one of Canada's most successful women's aerialists and is considered a veteran of the sport of freestyle skiing. Veronica has made an astonishing comeback this season after a serious injury she sustained in the fall of 2000.

Deidra Dionne won the Olympic bronze medal in the aerials event on the strength of a tremendous second jump. This talented young athlete promises a golden future for Canadian freestyle skiing.

I am sure hon. members will join me in congratulating these fine young athletes for their great victories.

* * *

NATIONAL PARKS

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, on January 10, 1972, the fabulous Kluane National Park in Yukon and the Nahanni National Park in the Northwest Territories were established. They were added to the network of national parks that is the most powerful protection for natural heritage, plants and animals in Canada. I join the member for Yukon in celebrating this 30th anniversary.

More recently parliament passed Bill C-10, an act respecting marine conservation areas of Canada. The act would allow the establishment of marine national park-like areas to protect life in the 50% of our territory which is under the ocean.

I urge all members to work to further strengthen our wonderful national parks system on land and sea. Each Canadian is custodian of an unusually large part of the globe. Let us be good custodians preserving natural heritage for future generations.

* * *

2002 WINTER OLYMPICS

Mrs. Lynne Yelich (Blackstrap, Canadian Alliance): Mr. Speaker, I rise today to pay tribute to Canada's Olympic medallists. In particular, I congratulate the women of Canada's Olympic team.

The Salt Lake City Olympics has been a great success for Canadian competitors in women's disciplines. Cindy Klassen won our first medal in 3,000 metre long track speed skating. Veronica

Brenner and Deidra Dionne shared the podium in the women's aerials. The women's hockey team is on track for either silver or gold. Again, these women have made history in Canada because they are world class athletes.

Beckie Scott became the first Canadian to win an Olympic medal in nordic skiing, and originally from my own riding of Blackstrap, Catriona LeMay Doan became the first Canadian athlete to defend her Olympic gold in the same individual event.

There have been some disappointments in these Olympics and I personally believe we need to pay more attention to amateur sport in this country, but the victories have been glorious and we should make sure we give all the athletes our heartfelt thanks for representing our country with such class.

* * *

2002 WINTER OLYMPICS

Mr. Mac Harb (Ottawa Centre, Lib.): Mr. Speaker, while most of us may never compete at the Olympic level of athletic competition, all Canadians can take pride in those who have worked hard and earned their way to Salt Lake City for the 19th Winter Olympic Games.

My fellow colleagues in the national capital region caucus are extremely proud of Ottawa resident Jeff Bean for taking fourth place in the aerials event in freestyle skiing and Andy Capicik from Vancouver who also captured 8th place in the finals.

We are also impressed by the solid performance of Beckie Scott in cross country skiing who placed 5th in a field of 58 of the world's best skiers after taking part in four hard fought races in one single day.

In the final phase of the ice dance competition nine time Canadian champions Shae-Lynn Bourne and Victor Kraatz made us all proud once again.

All members of the Canadian Olympic team have lit the torch and inspired the Olympic spirit in the hearts of future Canadian athletes. On behalf of all my colleagues I congratulate them.

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● (1405)

[Translation]

GUARANTEED INCOME SUPPLEMENT

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, the Bloc Québécois' information tour on the guaranteed income supplement allowed us to observe that the federal government's inaction is not simply limited to this flagrant robbery.

Indeed, seniors who live alone, mostly women, are subject to unjust discrimination that condemns them to a life of poverty. What is more, these seniors' purchasing power diminishes because the real increases in the cost of living for seniors is much greater than the average indexation that they are given.

The federal government must make seniors' quality of life a priority, and the Bloc Québécois will act as a watchdog on this matter.

In the short term, it is clear that this government should make it a priority to provide a full retroactive refund to seniors who did not receive the benefits to which they were entitled. This most economically disadvantaged group deserves this money, some \$3.2 billion, through the guaranteed income supplement, money that they were deprived of for several years.

It is quite simply unacceptable to save money on the backs of our senior citizens.

* * *

INTERNATIONAL MOTHER LANGUAGE DAY

Mr. Yvon Charbonneau (Anjou—Rivière-des-Prairies, Lib.): Mr. Speaker, February 21 was proclaimed International Mother Language Day by UNESCO. The purpose of this day, which is being celebrated for the third time, is to promote linguistic diversity and multilingual education in all of UNESCO's areas of activity, and to increase development of fuller awareness of linguistic and cultural traditions based on understanding, tolerance and dialogue.

Mother languages are in integral part of our intangible heritage and are an essential component of everyone's cultural identity, an identity which must be protected and strengthened in the interest of all peoples in this era of accelerated globalization.

On this day, UNESCO pays tribute to the myriad of languages of the world and to the cultures transmitted therein. There are over 6,000 languages spoken in the world; some are written, others are not. However, on this International Mother Language Day, all languages are treated equally, because each one is a unique response to the human condition and each one is a living heritage that deserves our concern.

As the saying goes, "By speaking to one another we can understand one another".

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[English]

TRADE

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, because of unfair labour restrictions that prohibit Ontario construction workers from doing jobs in Quebec, the Ontario government has re-enacted its fairness is a two way street law which will impose similar restrictions on Quebec firms.

This is the madness of internal protectionism, one of the reasons that Canada's standard of living and productivity are in decline. When provincial governments erect barriers to the free flow of goods and services like the construction trade in Quebec, we all lose.

This internal trade war is happening because the federal government has abdicated its constitutional responsibility to ensure domestic free trade and has failed to act on the 1994 agreement on internal trade.

[Translation]

Unfortunately, this government is sitting on the sidelines, while Ontario and Quebec have a dispute over manpower mobility. The Association pour le droit au travail is concerned about the future of tradesmen and is asking for help.

S. O. 31

I urge this government to play a leading role to ensure true free trade between the provinces.

* * *

[English]

INTERNATIONAL MOTHER TONGUE DAY

Ms. Nancy Karetak-Lindell (Nunavut, Lib.): Mr. Speaker, today is the official opening of an exhibition of Pangnirtung tapestries called Nuvisavik: the Place Where We Weave, at the Canadian Museum of Civilization.

Pangnirtung is a Nunavut community famous for majestic scenery and abundant marine life as well as the artistry of the weavers and print makers. Pangnirtung is located in the south of Baffin Island and is one of the gateways to the spectacular Auyuittuq National Park. I have visited the tapestry studio in Pangnirtung many times and was impressed by the hard work, artistic vision and dedication of the weavers.

I thank everyone involved in putting this exhibition on and encourage my hon. colleagues to attend this interesting exhibition in celebration of International Mother Tongue Day.

* * *

• (1410)

2002 WINTER OLYMPICS

Mr. Joe Comartin (Windsor—St. Clair, NDP): Mr. Speaker, it is with great pride that I stand today to recognize the efforts of two Canadian Olympians from my riding of Windsor—St. Clair.

Tonight five time Canadian champion Jennifer Robinson competes in the women's figure skating program. I am sure all members of the House will join me in wishing her the best of luck.

Last night Windsor native Ed Jovanovski turned in a phenomenal performance and was instrumental in Team Canada's 2-1 win over Finland. We all wish Ed and the rest of Canada's men's team the best of luck as they continue their quest for the gold.

I am sure that not only my constituents in Windsor—St. Clair but all Canadians join with me to say "Go Jennifer. Go Ed. We know you will do Canada proud".

* * *

[Translation]

HUMAN CLONING

Ms. Pauline Picard (Drummond, BQ): Mr. Speaker, people continue ask the government to regulate genetic research and ban human cloning. By not developing adequate policies on these issues, Canada is lagging behind other countries in this area.

Indeed, France, the United Kingdom, Denmark and Australia already have policies to regulate this fast evolving research area.

Let us not forget that there is a lot of money to be made by patenting cloning processes or specific types of stem cells.

Oral Questions

Researchers and scientists agree that cloning techniques are still not refined enough to get into human cloning. The risk is too great. We must quickly ban reproductive cloning, to prevent apprentice cloners from doing the irreparable.

I urge the Minister of Health to introduce a bill as quickly as possible. It is urgent that we take action.

* * *

[English]

BLACK HISTORY MONTH

Mr. David Price (Compton—Stanstead, Lib.): Mr. Speaker, in 1995 the Parliament of Canada officially designated February as Black History Month. In honour of Black History Month the Government of Canada established the Mathieu Da Costa challenge in February 1996.

Mathieu Da Costa is generally recognized as being the first recorded black person in Canada, arriving at the start of the 17th century. He was reputed to be the first of many black Canadians who made important contributions to the country and shaped much of who we are as Canadians today. Mathieu Da Costa was a translator and interpreter who succeeded in bridging the linguistic gap between the Mi'kmaq people and the French explorers. By bridging the differences in language, Da Costa was instrumental in bridging cultures as well, creating an honest and open relationship between people of different backgrounds, which continues to be an integral part of Canadian society.

The Mathieu Da Costa challenge is administered by the Canadian Teachers' Federation. It invites elementary and secondary school students to research, discover and celebrate the contributions made by aboriginals and Canadians of diverse ethnocultural origins, such as Mathieu Da Costa, to the building of this great country of Canada.

* * *

LEGAL AID

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC/DR): Mr. Speaker, access to legal aid across Canada is in a serious state of decline. Just this morning we read that British Columbia is going to cut legal aid by 38%. In Ontario the legal aid pay scale has not changed since 1987. All regions are facing similar challenges and deterioration of service.

A lack of legal aid access to those in society who are in conflict with the law or in need of representation is suffering. This injustice cannot be ignored. Access to justice for low income Canadians is a national problem and needs to be addressed by our national government. We need to recognize the diverse legal needs of all Canadians, not just those who can afford it.

Fewer and fewer lawyers are offering pro bono work. Backlogs and delays and the increasing complexity of the law are all contributors to this situation. The lawyers that do legal aid work are like the MASH unit of the legal profession. Those dedicated few on the front lines are making it work only because they are consummate professionals who are often taken for granted.

I call upon the Minister of Justice to sit down with the provincial attorneys general and embark on a concerted effort to address this growing crisis in Canada.

* * *

HIGHWAY 11

Mr. Gurbax Malhi (Bramalea—Gore—Malton—Springdale, Lib.): Mr. Speaker, recently three transport trucks, one headed south and two headed north, collided on highway 11. Three people were killed. One of them, Bharat Saini, was from my riding. He is survived by his wife and two young children.

Highway 11 is increasingly the route of choice for trucks in Ontario headed for western Canada, especially in the winter. Improvements to this highway are therefore needed.

I call upon the Minister of Transport to work with his provincial counterparts in using infrastructure funds to make the necessary improvements to highway 11. This highway must be made safer for transport truck drivers and tourists and for all drivers.

* * *

• (1415)

[Translation]

TEAM CANADA

Ms. Raymonde Folco (Laval West, Lib.): Mr. Speaker, for the past few days, the Team Canada trade mission, under the leadership of the Prime Minister, has been travelling around Russia and Germany to promote Canada's trade relations, particularly for small and medium-size businesses.

The team includes representatives of Warnex, a Laval company which is developing a brand new technology for the speedy and inexpensive detection of the presence of GMOs in food, based on DNA, as well as the presence of bacteria. Warnex hopes to develop new business relations leading to international opportunities.

All the best to our Canadian companies and organizations who, by participating in Team Canada, will be able to explore the potential of these new markets.

ORAL QUESTION PERIOD

[English]

NATIONAL DEFENCE

Mr. John Reynolds (Leader of the Opposition, Canadian Alliance): Mr. Speaker, the Minister of National Defence is too busy defending himself to focus on defending Canada.

Oral Questions

Douglas Bland, a leading military expert at Queen's University, released a report today warning that our lack of defence spending is reducing our sovereignty and our clout on the world stage. He calls this another wake-up call for the government. The auditor general says that DND needs at least \$1.2 billion just to keep its equipment in order.

When will the minister commit to giving our forces the support that they need?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, the government is supporting our Canadian forces. Over \$5 billion over the next five years in new money will be added to the budget. The budget will rank us the sixth country in NATO and the 16th in the world in terms of defence spending.

In addition to looking at money being put into defence, let us also look at what we get out of it, the outcomes. Let us look at what our troops are doing in Afghanistan and in the Arabian Sea. They are doing an excellent job.

Mr. John Reynolds (Leader of the Opposition, Canadian Alliance): Mr. Speaker, they are doing such a great job he did not want to tell us for over a week when they did something.

The minister today hinted at a new defence white paper. A review of our military may be a good idea if only so that defence planning can be taken out of the hands of the minister and given to people who know what they are doing.

Many of our forces fear that a new defence white paper would simply be a way to justify reducing the size and the scope of the Canadian forces.

Will the minister commit that any new defence white paper will not reduce Canada's commitment to any of the objectives of the last white paper?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, many of the fundamentals of the last white paper that was done in 1994 are quite relevant: protecting Canada and Canadians, contributing to security of the continent, contributing to international peace and security through peace support operations, through organizations such as the United Nations and through NATO. Those are still quite relevant.

We need to look at the kind of defence capabilities we need. It has been eight years since that white paper was designed. The security environment has changed. This is a good opportunity to do an update.

Mr. John Reynolds (Leader of the Opposition, Canadian Alliance): Mr. Speaker, the minister talked about money for defence, but this year in the budget he got \$250 million and the auditor general said \$1.2 billion just to break even.

Ambassador Cellucci put it pretty bluntly yesterday when he said that some people, including Liberal backbenchers, see further defence co-operation with the U.S. as a threat to Canadian sovereignty but find it perfectly acceptable to rely on the U.S. to provide lift to deploy Canadian troops.

We should not have to rely on the U.S. air force or commercial airlines to get our troops abroad or repeat the GTS *Katie* fiasco in trying to move our tanks and equipment.

Like our U.S., British and European allies, will Canada finally develop its own strategic airlift capacity?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, the hon. member has it quite wrong. In terms of who has strategic airlift capacity, only the United States with the U.K. have it. All of the other countries now going into Afghanistan, Germany, France, Italy, all of them, are chartering commercial aircraft to get themselves in.

We have a project office. There are various options we are looking at with respect to dealing with the question of transportation.

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance): Mr. Speaker, the 1994 white paper committed Canada to being able to deploy a brigade of at least 5,000 within 90 days. The minister says we can do this, but now in the midst of a war we cannot even send 750 members of a battle group abroad for more than six months and we have to rely on our allies to get us there.

Is the minister's proposed new white paper not simply a way of admitting that we have gutted our forces so much that we cannot even live up to the old one?

• (1420)

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, the hon. member does not seem to recognize that we have almost 5,000 Canadian troops overseas at this point in time. Almost 3,000 are involved in the Afghan campaign alone. We have troops in Bosnia, the Golan Heights and numerous other operations. We are contributing in a very major way to international peace and security.

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance): Mr. Speaker, there is not a single defence expert who believes the minister's line about being more combat ready than we were 10 years ago.

Under the Liberals, Canada spends less of our GDP on defence than any NATO country except Luxembourg.

Will the minister commit that any new defence white paper will lead to increases in the defence budget and not simply leave in place the massive cuts his government has already made?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, how much in the way of resources is put into defence is determined by the government. Let me point out that for the last four years there have been increases in the budget. Over the next five years there will be over \$5 billion more put in the budget. Just about every major piece of equipment is either being upgraded or replaced.

Oral Questions

When it comes to NATO, maybe the hon. member did not hear the remark I made a few minutes ago. Of the 19 NATO countries, we are the sixth largest spender. Once again, look at the outcomes. Let us look at the outputs; let us look at what we are able to produce. We are able to produce a great deal in terms of the campaign against terrorism.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, last December the government chose to send a Canadian commando unit to Afghanistan. We trust that this decision was not taken lightly.

Can the Deputy Prime Minister tell us whether compliance with the Geneva convention by Canadian forces and their allies was thoroughly discussed between the government and the Bush administration before the first Canadian commando unit was sent to Afghanistan?

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Yes, Mr. Speaker.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Minister of Defence tells us that this is an important matter, on which there were discussions.

Yet the same minister yesterday said that on January 21 knowing whether or not the Geneva conventions were respected was not a matter of major importance.

How can he tell us today that it is important, that there were discussions with the U.S., yet on January 21 it was not of major importance to know whether or not the Geneva conventions were respected or not?

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, I think the hon. member is misconstruing what was said here. I said right from the beginning that we keep in close contact with our American allies. We have always had an understanding that the Geneva conventions are being followed.

The Americans have always said that they are operating in a way that is consistent with those conventions and are treating people in a humane and fair way. That has been consistently their position.

There has been some confusion coming even after January 21 with different comments from the U.S. administration but the president of the United States has now cleared that up.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, on the 17th at the meeting of the defence and foreign affairs committee, there were debates on the matter of the Geneva convention involving not only opposition MPs but also some from the government party.

Is the minister trying to have us believe that he was not aware that this was being debated, when it was also being debated in the U.S.? Did this not cross his mind on January 21? It took eight days for him to wonder whether in fact the Geneva convention was or was not being complied with.

Is this, seriously, the minister's version?

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, there has been some controversy over legal interpretations but there has never been a doubt in my mind that the United States would follow the Geneva conventions. The Americans said they would act in accordance with the Geneva conventions and they would treat people in a fair and humane way. Certainly every observation by the International Committee of the Red Cross, by our own legal adviser who has checked out the facilities in Kandahar, by the British who have also checked out the facilities, would indicate that is exactly what they are doing.

• (1425)

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, between the 25th and the 29th, Colin Powell appeared on TV saying that the agreements must be complied with. Rumsfeld told us they did not. President Bush had not reached a decision. A special cabinet meeting was held, two days of caucus meetings. Now the minister is telling us that it did not cross his mind, knowing there was a debate about this, to inform his colleagues, and the Prime Minister above all.

Is this really the version the minister wants us to swallow: that the matter was being discussed everywhere, that he was the only one aware that a commando unit had been sent, that the debate involved not only the opposition parties but also the U.S.—

The Speaker: The hon. Minister of National Defence.

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, we have to be careful about speculation in the media or political controversy versus the actual facts of the situation.

Certainly when I returned from my trip to Mexico I was anxious to find out all aspects of the issue and why it was becoming controversial. Much of the controversy over the Colin Powell versus Don Rumsfeld versions of things came about around the 28th. It was on the 29th that I spoke to cabinet on the whole issue of detainees.

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HEALTH CARE

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, my question is for the Minister of Health.

I am sure the minister will have heard that last night the much respected Monique Bégin made a visionary and historic speech to Canadians on the future of health care. Along with a number of important suggestions, she urged that the federal government re-establish itself as a full partner in health care by immediately restoring a 25% cash contribution to health care spending, moving toward 50:50.

Will the minister help restore public health to a state of health by championing that prescription with her cabinet colleagues?

Oral Questions

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, obviously Monique Bégin is someone who believes passionately in our publicly funded health care system. The speech she delivered last evening is an important contribution to the ongoing debate in the country around the renewal of health care.

I remind the hon. member it was only last September that the Prime Minister and premiers agreed to a cash infusion to the CHST of some \$21.1 billion out to 2005-06. That speaks more eloquently than anything to our commitment to the country's health care system.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, the health minister's insistence on trotting out that 2000 health agreement is an indication that the government is the only group of Canadians who do not get it, who do not understand that the federal government withdrawal from a full partnership is allowing the privatizers and the profit seekers to pick apart the carcass of public health care.

My question for the minister is this: Does she get the message, does she hear that unless the federal government recommit itself to a more adequate funding base we will not be able to restore public—

The Speaker: The hon. Minister of Health.

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, I would think that the leader of the New Democratic Party is probably the only person in the country who would describe \$21.1 billion as insufficient or irrelevant.

Let me say again that the renewal of the health care system in this country is an important one. It is one in which we play a collaborative role with the provinces and the territories, but I would hope that the hon. leader of the New Democrats is not suggesting that the long term sustainability of our health care system can be guaranteed—

The Speaker: The right hon. member for Calgary Centre.

* * *

NATIONAL DEFENCE

Right Hon. Joe Clark (Calgary Centre, PC/DR): Mr. Speaker, the minister of defence has now given a third version of the facts. On January 30 he said, and I quote:

—I was first informed about the detention of prisoners...within 24 hours of when it actually occurred.

In committee yesterday he said he did not know for another four days that Canadians had taken prisoners.

In his oral briefing of January 21, why did the minister not ask whether Canadian troops had themselves taken prisoners? Was his purpose to put himself in a position to claim that he did not know?

Hon. Art Eggleton (Minister of National Defence, Lib.): No, that is not the case, Mr. Speaker. I spoke to the special committee on this matter yesterday. I took questions for over two hours. I have answered all of this. I do not think there is any need to expand upon it further.

• (1430)

Right Hon. Joe Clark (Calgary Centre, PC/DR): Mr. Speaker, there is a concept of wilful blindness which is at work here.

I have a question for the Deputy Prime Minister. The Communications Security Establishment exists to give the Canadian

government direct access to confidential information that comes from the interception of high level signals intelligence.

Is there a cabinet document that prevents that intelligence information from going directly to the Prime Minister? Apart from JTF2, is there any other field of Canadian government activity where a cabinet document prohibits the direct communication of information to the Prime Minister of Canada?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, these entities, whether they are CSE or JTF2, operate in accordance with government policy. The Prime Minister has regularly reviewed the policy. There is in fact an annual meeting that does that, as he has indicated previously in this House, and it follows government policy.

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IMMIGRATION

Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance): Mr. Speaker, the Canadian Alliance obtained government documents that are at the centre of a corruption scandal in the department of immigration. This investigation involves two immigration review board members in Montreal, Yves Bourbonnais and Roberto Colavecchio. These government documents state clearly that “the alleged corruption has benefited individuals from North Africa and the Middle East”.

North Africa and the Middle East, as you know, Mr. Speaker, are spawning grounds for al-Qaeda and other terrorist organizations.

My question for the minister is, how many potential terrorists have been allowed to enter Canada as a result of the corruption in his department?

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, a stupid question does not deserve an answer.

Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance): Mr. Speaker, the minister may not be interested in having people earn their way into Canada rather than bribe their way in, but we certainly are.

Under this government people do not get appointed to the immigration review board unless they are just good old fashioned Liberals. Mr. Colavecchio is a former president of the chamber in the riding of Alfonso Gagliano. Mr. Bourbonnais comes from a well known Liberal family in the treasury board president's riding.

Could the minister assure Canadians that these Liberal appointees did not profit from the sale of immigration documents or decisions?

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, no matter how many cheap political points my colleague wants to score here, first of all I will say that we have a process and this process is based on competence. Everybody has to pass an oral test and a written test. We pick it up from there. Competence is the name of the game.

Oral Questions

[Translation]

HIGHWAY INFRASTRUCTURE

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Mr. Speaker, on a number of occasions, the Minister of Transport has confirmed that there is \$108 million in funding available to Quebec over the next four years for highways.

But, for highway 30, the member for Beauharnois—Salaberry promised much more than \$108 million. For highway 175, the member for Chicoutimi—Le Fjord promised much more than \$108 million. The member for Madawaska—Restigouche announced \$108 million for highway 185.

How does the Minister of Transport explain that he thinks he can keep the promises made by his colleagues, when the promises in question have nothing to do with the money available?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, I have no problem with the question. It is clear that the Government of Canada thinks that highway 30 is a priority, not only for Montreal and Quebec City, but for all of Canada. We are determined to go ahead with this project.

This morning, I met with my counterpart, Mr. Ménard. We are in agreement on a process to improve all highway systems in the province of Quebec.

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Mr. Speaker, right now, no one in the government can satisfactorily explain how the many promises made by the Liberal members could be kept. Nobody can perform miracles.

There are two possible conclusions: either the government will postpone or eliminate certain projects, and we would like to know which ones, or new money will be added to the existing envelope, and we would like to know how much and when.

• (1435)

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, I would ask the hon. member to be patient. We have an infrastructure program in the budget for 2000. So far, unfortunately, Quebec has not agreed with the provisions of this program. This morning, I spoke with Mr. Ménard about the agreement, and I hope that it will soon be signed.

An infrastructure fund was also announced by the Minister of Finance in the last budget. We are going to look at the whole file in order to ensure improved transportation throughout Canada.

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[English]

IMMIGRATION

Mr. Monte Solberg (Medicine Hat, Canadian Alliance): Mr. Speaker, I want to ask the minister of immigration a question regarding refugee policy so hopefully he will not cite confidentiality as a reason not to answer.

Is it the policy of the government to accept refugee claims from known criminals while they are being held in police custody?

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I will not answer a specific question.

Mr. Monte Solberg (Medicine Hat, Canadian Alliance): Mr. Speaker, it seems we know who really is stupid in this place.

Tafari Rennock was deported from the U.S. two years ago with a lengthy criminal record of convictions for sexual assault, burglary, drug trafficking, robberies, unlawful restraint and probation violations, and he had been jailed for a vicious sexual attack against a woman. Now, while he is in police custody, the minister has granted him refugee status.

Like any good criminal, he uses many aliases. My supplementary question to the minister is, which name will appear on his passport when the minister grants him full Canadian citizenship?

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, that was it. I do not answer a specific case.

[Translation]

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. member for Mercier.

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MIDDLE EAST

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, we are witnessing in the Middle East an unspeakable escalation of violence that could jeopardize world peace.

Moreover, a growing number of observers are now saying that we will have to go further than what is proposed in the Mitchell and Tennet reports, which could not restore peace or bring a return to negotiations.

Is the implementation of a broader political process not the only solution that could bear fruit, restore peace and bring about a solution to the conflict?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, I agree with the premise of the question.

It goes without saying that a broader process is desirable. However, the hon. member, who is very knowledgeable about foreign affairs, also knows that the agreement of the parties involved in the conflict is necessary before that conflict can be resolved.

Canada's policy is to take a calming approach and convince the parties involved in the conflict to put an end to violence and allow the international community to work with them to restore peace in that very troubled region.

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, the Minister of Foreign Affairs, who is also well qualified, found that neither the Mitchell report nor the Tennet report restored peace, far from it, and that a political solution was in order.

Does the minister not realize that a broader international coalition has a much better chance of succeeding in implementing this solution, and why should Canada not be one of its promoters?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, I am confident that all members of this House share the hon. member's wish for a return to peace in the Middle East.

This year, we have the opportunity to chair the G-8, and I can promise hon. members that the Prime Minister and myself will do our best to convince our G-8 colleagues to take part in a peace process in the Middle East.

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[English]

NATIONAL SECURITY

Mr. Kevin Sorenson (Crowfoot, Canadian Alliance): Mr. Speaker, we have government documents that show the RCMP and CSIS are not sharing vital information despite a written agreement to do so.

With the threat of terrorism operating within our borders, a plague of missing refugee claimants and biker gangs flexing their muscles, how long will the solicitor general sit idly by and let our public security agencies wage a turf war?

• (1440)

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, it is unfortunate that my hon. colleague, in these trying times, is trying to indicate that we do not have one of the best, if not the best, police forces in the RCMP and CSIS. We have very competent security intelligence agencies. I meet them every week and they share information to make sure that Canadian society remains one of the safest, if not the safest, societies to live in.

Mr. Kevin Sorenson (Crowfoot, Canadian Alliance): Mr. Speaker, it is this RCMP agency that is voicing the concern. These documents confirm a longstanding fear. For the whole time the government has been in power our federal police and our intelligence agencies have not been communicating properly.

Now more than ever Canadians need their security agencies to cooperate. Would the solicitor general tell Canadians what specific and concrete action he will take to finally break this log-jam of information between the RCMP, that great police force, and CSIS?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, I think my hon. colleague is well aware that for the last six months the RCMP and CSIS have worked very co-operatively together.

It is not impossible that there could be some problems with information sharing. It is an ongoing issue to make sure that all the information is shared and shared properly. The RCMP and CSIS have both indicated to me that this is a very important point for both agencies, to make sure they share the information, not only among themselves but they share the appropriate information with their colleagues, the FBI and other agencies around the world.

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FOREIGN AFFAIRS

Mr. Stan Dromisky (Thunder Bay—Atikokan, Lib.): Mr. Speaker, my question is for the Secretary of State for Central and Eastern Europe and the Middle East. In light of his recent visit to Ukraine, could the secretary of state inform the House of Commons regarding the present status of Canada-Ukraine relations?

Hon. Gar Knutson (Secretary of State (Central and Eastern Europe and Middle East), Lib.): Mr. Speaker, I was warmly welcomed on the tenth anniversary of the establishment of

Oral Questions

diplomatic relations between Canada and the Ukraine. As my hon. colleague knows, there are one million Canadians of Ukraine heritage who call Canada home and they form a vital and valued part of Canadian society.

I met with foreign minister Zlenko and other senior members of the Ukrainian government where I strongly emphasized Canada's commitment to the conduct of free and fair parliamentary elections and I strongly reiterated Canada's support for Ukraine's efforts in the area of political and economic reform. The federal government will continue to call for closer ties with Ukraine.

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KYOTO PROTOCOL

Mr. Joe Comartin (Windsor—St. Clair, NDP): Mr. Speaker, recently we have seen Canada's commitment to the Kyoto accord come under increasing attack from the oil industry and premier Ralph Klein, both of whom are saying that meeting our emission reduction targets will impact negatively on the Canadian economy.

Why does the federal government not counter these attacks with the facts of what it will cost Canada if we do not proceed with the Kyoto accord? Could the Minister of Health indicate whether there is any data within her department about what it would cost the health of Canadians and what the financial costs would be to the health care system if we were to reduce those harmful emissions? Will she share those facts with the House?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, we are working with the provinces, territories and with industry to make sure we get the best appreciation of the costs of differing approaches to meeting minus six per cent of 1990 levels, which is our Kyoto commitment.

I am sure the hon. member would agree that it is better to work together with them, as we will be doing at the joint ministerial meeting in Victoria on Monday and Tuesday, rather than simply exchanging comments and criticisms of differing points of view of differing jurisdictions.

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PENSION PLANS

Hon. Lorne Nystrom (Regina—Qu'Appelle, NDP): Mr. Speaker, my question is for the minister of financial institutions.

The \$100 billion Enron bankruptcy in the United States is the largest in the history of that country and has shattered the confidence of many Canadian workers in the security of their pension plans.

Regulations concerning pension plan investments in federal jurisdiction do not allow for more than 10% of the holdings to be invested in any one company, but Enron's situation shows a need to enshrine this in legislation, not just in regulations.

Would the minister agree to table in the House a bill that would enshrine the 10% rule in legislation to provide more security for Canadian working people about their pension plans?

Oral Questions

•(1445)

Hon. John McCallum (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, as I have said before, the Enron issue is something that the government takes extremely seriously, as was also mentioned by the governor of the Bank of Canada yesterday. Indeed our officials are working actively on this file and consulting with stakeholders to determine the implications.

The hon. member mentioned the pension plan issue. The reason Canadians should feel more secure in their pensions than do Americans is that our 10% rule means that the pension plans are regulated much more conservatively than is the case south of the border.

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MINISTER OF NATIONAL DEFENCE

Mrs. Elsie Wayne (Saint John, PC/DR): Mr. Speaker, on January 30 I asked the minister of defence a direct and precise question: When did Canadian forces take al-Qaeda prisoners in Afghanistan? The minister replied "I was first informed about the detention of prisoners...within 24 hours". That was a direct response to a direct question about Canadians taking prisoners.

Yesterday in committee the minister gave a different story. My question for the minister—

The Speaker: Order, please. I want to stress that questions about proceedings in the committee that are currently underway are not in order. I caution the hon. member from proceeding with this line of questioning. Her leader asked a question that was very borderline earlier and I am not prepared to countenance more questions about committee proceedings that are currently ongoing before this committee.

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HEALTH

Mr. Chuck Strahl (Fraser Valley, PC/DR): Mr. Speaker, it is about trying to get to the truth, which is something we do not hear a lot of from over there.

Last October the Minister of Industry, then in a previous incarnation as the minister of health, made a big deal about standing behind his officials even though he and his department had improperly ordered a generic version of the drug Cipro.

Will he now stand behind his Industry Canada officials who wrote that buying the generic drug Cipro broke the Patent Act, contravened the Food and Drugs Act, and has seriously compromised the government's rather questionable commitment to intellectual property rights?

[Translation]

Mr. Serge Marciel (Parliamentary Secretary to the Minister of Industry, Lib.): Mr. Speaker, I will simply say that this is ancient history. Our government has proven itself as far as intellectual property is concerned. We acknowledge the necessity of protecting patents in order to encourage innovation and research.

[English]

Mr. James Rajotte (Edmonton Southwest, Canadian Alliance): Mr. Speaker, in the recent innovation strategy, the Minister of

Industry stated that he wanted to resolve potential challenges to investment in Canada before they developed. However, his own actions concerning the violation of the Patent Act in the purchase of Cipro have prompted questions from around the world about the safety of research and development investment in Canada.

How can the minister restore private sector confidence in the Canadian business climate when his own decision, one he was warned against taking by his own department officials, countered the spirit of R and D and innovation in Canada?

[Translation]

Mr. Serge Marciel (Parliamentary Secretary to the Minister of Industry, Lib.): The same reply, Mr. Speaker: the industry has confidence in the Minister of Industry. We shall continue to intervene in these matters in a professional manner.

As I have already said, we have proven ourselves as far as intellectual property is concerned, and intend to continue in the same way.

[English]

Mr. James Rajotte (Edmonton Southwest, Canadian Alliance): Mr. Speaker, it was his own Department of Industry officials, in a document not marked draft as the minister said but secret, that countenanced against him doing this.

The present minister is not a champion of business nor innovation in Canada. He has shown his inability to protect his own government's patent laws through his purchase of Cipro. His innovation strategy has no firm commitments on funding or execution of policy and no estimates of cost. The minister will need to make a concerted effort to ensure that Canada's reputation in R and D is restored.

Will the parliamentary secretary acknowledge that his minister made a mistake with the order of Cipro and that he will no longer interfere with private investments in Canada?

•(1450)

[Translation]

Mr. Serge Marciel (Parliamentary Secretary to the Minister of Industry, Lib.): Mr. Speaker, instead of constantly rehashing ancient history, it seems to me that it would be far more normal for the hon. member to focus more on positive things.

For example, in January unemployment in Canada decreased. This very clearly reflects the actions taken by the Government of Canada in connection with economic renewal.

* * *

KYOTO PROTOCOL

Mr. Bernard Bigras (Rosemont—Petite-Patrie, BQ): Mr. Speaker, in connection with implementing the Kyoto protocol, the Minister of the Environment said in the House yesterday that the past must be taken into account in determining the costs that would have to be borne by the provinces, but there were limits.

Oral Questions

Is the minister prepared to recognize that the most relevant benchmark year should be 1990, the year used in the Kyoto agreement?

[*English*]

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, I am just as happy to have the representation of the hon. member as I am to have representation from members in any corner of the House.

[*Translation*]

Mr. Bernard Bigras (Rosemont—Petite-Patrie, BQ): Mr. Speaker, yesterday the Minister of the Environment wrongly suggested that the Bloc Québécois opposed the ratification of the Kyoto protocol.

What does the minister have to say about the remarks of his colleague, the Minister of Natural Resources, who stated yesterday at an energy conference that Canada's commitment to ratifying the Kyoto protocol was wavering?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, I was enthusiastic about the Bloc Québécois' wish to ratify the Kyoto agreement. The only problem is that two days later, they said that they did not want to do anything in the province of Quebec to reduce greenhouse gas emissions.

Some hon. members: Oh, oh.

Hon. David Anderson: There you go. I was always ready. I was ready in the past and now they do not want to do anything. They support the agreement, but they oppose the action required. This is what I find somewhat difficult.

* * *

[*English*]

AIRLINE INDUSTRY

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, the transport minister has said that prior to September, Canada had a better air security regime than the United States. Since September 11, however, both countries have improved their security. The Canadian government is charging \$24 per flight for the improvements while the United States is charging \$5 per flight.

Given that, according to the transport minister, our starting point on security was further ahead, why are Canadians going to be taxed at triple the rate of Americans?

Hon. John McCallum (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, this is similar to the hon. member's previous question in which he said that if something were revenue neutral by law it could be a tax grab. It reminds me of a previous comment he made in the House a few months ago in typical Alliance logic. I quote:

The only way we can prevent those people from crashing a plane into a building in the first place is with capital punishment.

That is the logic of his party.

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, the problem with the government is that seven air carriers have died on its watch, the air

industry has only been profitable in 3 of the past 12 years, in the year 2000 we saw the greatest collapse in air traffic in aviation history and WestJet was the only carrier to turn a profit last year.

Why is the government continuing to put in policies and raise taxes on flying at a time when more people are supposed to be flying? Why is the government raising taxes instead of lowering them? When will it wake up?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, the hon. member does not like airport improvement fees. He does not like fuel surcharges. He does not like Nav Canada fees. Now he does not like the security fees. Yet his party is on record as supporting user fees.

Therefore, I assume he is advocating that the general taxpayer pay, thereby adding to the deficit. If that is not the case, who does he expect to pay for the security: the tooth fairy?

* * *

ABORIGINAL AFFAIRS

Mr. Rick Laliberte (Churchill River, Lib.): Mr. Speaker, my question is for the minister responsible for children and youth.

Canadians are well aware that learning and skills are crucial for their success in the prosperity of our nation in this knowledge based economy.

[*Editor's Note: Member spoke in Cree*]

A growing aboriginal population is facing a number of challenges in skills development. We know that an increasing number of aboriginal people are entering the workforce.

Could the minister inform the House as to what the government is doing to ensure aboriginal people have the opportunities to get the skills they need for success?

Hon. Ethel Blondin-Andrew (Secretary of State (Children and Youth), Lib.): Mr. Speaker, as we develop the skills agenda, we are committed to ensuring that opportunities are created for more aboriginal people. We will be consulting all the appropriate stakeholders.

In addition to that, in the last budget we committed \$185 million to help reduce the incidence of fetal alcohol syndrome and its effects, to help with child care, as well as the aboriginal head start initiative, which would aid early childhood development, and to support programs for children who have special needs on reserve. We have also invested \$1.5 billion for aboriginal human resource development—

● (1455)

The Speaker: The hon. member for Red Deer.

* * *

KYOTO PROTOCOL

Mr. Bob Mills (Red Deer, Canadian Alliance): Mr. Speaker, the economic damage of Kyoto on Canada is becoming clearer every day. The real truth is that the government has economic estimates which show the devastation to our economy but it will not make those public. It has no implementation plan and no co-operation with most provinces or industry.

Oral Questions

When will the minister come clean to Canadians and tell them the real truth about Kyoto and what it will cost?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, I will be meeting with ministers of energy and the environment from the provinces and territories on Monday and Tuesday in Victoria. This is a continuation of a series of meetings. We had one in Manitoba in September, another in Ontario in October and, after the upcoming meetings, there will be another in May.

At these meetings we bring forward the information from our officials. We are discussing it and trying to work out what would be the least impact scenario for the ratification of Kyoto and, of course, in addition to the ratification question, reaching the minus 6% target of 1990 which the Prime Minister set in 1997.

* * *

[Translation]

SOFTWOOD LUMBER

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, in exactly one month, the Americans will bring back countervailing duties and, in May, businesses will have to make cash deposits on their softwood lumber exports.

On Monday of this week, the Americans had not come up with any counter-offer, had offered no guarantee of a return to free trade, and they took an even tougher stand vis-à-vis the provinces.

Given the situation, does the government intend to announce measures to support the softwood lumber industry and its workers, for instance by making guaranteed loans available to the industry.

[English]

Mr. Pat O'Brien (Parliamentary Secretary to the Minister for International Trade, Lib.): Mr. Speaker, the issue the member raises, more commonly known as bonding, is an option that is under consideration. A limited number of companies today have approached Export Development Canada for assistance. Some applications have been received and are under consideration. EDC is looking at these applications on a case by case basis. It is very sensitive to the harm that our industry and workers face. We hope there will be some approval of applications shortly.

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PUBLIC WORKS AND GOVERNMENT SERVICES

Mr. Jim Pankiw (Saskatoon—Humboldt, PC/DR): Mr. Speaker, there is clear evidence that Alfonso Gagliano and his staff violated the conflict of interest code prohibiting the preferential hiring of supporters and friends. Not surprisingly the Liberal government is refusing to allow a parliamentary committee to investigate the scandal.

Will the current minister of public works finally request an RCMP investigation, or is he content to remain complicit in the government cover-up?

Hon. Don Boudria (Minister of Public Works and Government Services, Lib.): Mr. Speaker, these accusations are extremely inappropriate against someone who has faithfully served his constituents, the House and the country for almost two decades. This is inappropriate behaviour.

The hon. member says it and if he believes what he says, I suggest that he says it out there after question period.

* * *

TRADE

Mr. Rodger Cuzner (Bras d'Or—Cape Breton, Lib.): Mr. Speaker, last month I was able to rise in the House and ask the Minister for International Trade about a file that was very important to my region of the country.

A possible trade agreement between Canada and the European Free Trade Association could have a devastating effect on the fledgling offshore and marine supply industries in Atlantic Canada.

Could the Parliamentary Secretary to the Minister for International Trade provide the House with an update on this important file?

Mr. Pat O'Brien (Parliamentary Secretary to the Minister for International Trade, Lib.): Mr. Speaker, I thank the hon. member and his Atlantic colleagues for their hard work in highlighting this serious concern. The Government of Canada continues to be involved in very extensive consultations with the industry and with relevant stakeholders.

At this point in time there is no date for a resumption of talks, but obviously the government is very concerned about the serious issues faced by the industry. These extensive consultations will continue as we welcome the representations from the member and his colleagues.

* * *

● (1500)

INFRASTRUCTURE

Mr. Reed Elley (Nanaimo—Cowichan, Canadian Alliance): Mr. Speaker, for a number of years I have been trying to get a satisfactory answer from the government on the retention of the Gabriola Island Green Wharf which acts as a major transportation link for hundreds of people who live on Mudge Island in my riding.

We now have a new minister of public works. Could he give my constituents of Nanaimo—Cowichan assurance that they will have continued use of this important marine facility?

Hon. Don Boudria (Minister of Public Works and Government Services, Lib.): Mr. Speaker, I have had a conversation with the hon. member and I am pleased to announce that following our meeting I am announcing an indefinite moratorium on the disposal of Green Wharf until the access rule status has been resolved.

Additionally I want to inform him that no further action will be taken for the dismantling of the wharf. I have now asked my officials to continue the negotiations with the regional district of Nanaimo for the maintenance and the eventual transfer of the facility. I thank the hon. member.

Points of Order

[Translation]

CANADA LANDS COMPANY

Mr. Ghislain Lebel (Chambly, BQ): Mr. Speaker, in connection with the Canada Lands Company, we have learned that the RCMP has had in its possession since 1999 an investigation report prepared by Samson Bélair Deloitte & Touche concerning the conditions under which Robert Charest, the brother of Jean Charest—as you know—the leader of the Quebec Liberal Party, was hired.

How does the solicitor general explain that almost three years went by before an investigation was launched, and, more to the point, that it was launched only after the Samson Bélair Deloitte & Touche report became public knowledge?

[English]

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, my hon. colleague is well aware that if a complaint is made to the RCMP or other police forces I will certainly not comment in the House on why or why not an investigation went one way or did not go one way.

* * *

JUSTICE

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, my question for the Minister of Justice has to do with the gun registry. Whatever the varying views of the gun registry might be in the House, it would seem to me that most Canadians would share the concern that we have and that others have about the privatization of the gun registry.

Given that this information is very sensitive, is the Minister of Justice reconsidering the decision taken by his predecessor to privatize this registry and make sure that this kind of information stays with the government and is not contracted out to some fly by night outfit or whatever else they have in mind?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Simply put, Mr. Speaker, we do not talk about privatizing. The aim and goal of what we are doing essentially is outsourcing. It is to make sure that we will keep being able to offer good services to the Canadian population and deliver what we said we would deliver.

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BUSINESS OF THE HOUSE

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance): Mr. Speaker, I would like to ask the government House leader what is the business for the rest of today, tomorrow and next week.

Hon. Ralph Goodale (Leader of the Government in the House of Commons, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, we will continue this afternoon with report stage debate of Bill C-5 respecting species at risk.

Tomorrow we will consider report stage and third reading of Bill C-30, the courts administration legislation, and return to third reading of Bill C-27 respecting nuclear safety. Bill C-48, the copyright bill, will be our backup work for tomorrow afternoon if we have time.

[Translation]

Next week, we will return to Bill C-5. We are now in the third day of the report stage of that bill and I should think that the House would want to complete consideration of this bill without much further delay. As early as we can, depending on when Bill C-49, the Budget Implementation Act, 2001, is reported from committee, we will want to try to deal with it at the report and third reading stages.

[English]

Thursday of next week, February 28, will be an allotted day.

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POINTS OF ORDER

USE OF CELLPHONES IN CHAMBER

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, I rise on a point of order. Without naming any names, I have just noticed a member of parliament on his cellphone in the House. I wish you would re-emphasize to members that this is not a place for telephone conversations or cellphones. It is a place where we should be paying attention to each other.

I would ask that you reaffirm, in the strongest possible way, that people should not bring their cellphones into the House and at the very least should not be using them in the House.

● (1505)

The Speaker: I thank the hon. member for Winnipeg—Transcona for his point of order because he is absolutely correct. We do have a rule against bringing cellphones into the House. I have had occasion to chastise members in the past who have left their telephones on and indeed some whom I have caught speaking on them.

I am sorry I did not see it. Had I done so, I can assure the hon. member that I would have taken appropriate steps to chastise the member involved. I thank him for drawing it to the attention of the House. I am sure all hon. members have noted his comments and mine.

ORAL QUESTION PERIOD

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC/DR): Mr. Speaker, I rise on a point of order with respect to a question that was raised in question period today by the hon. member for Saint John. Within that context, the hon. member was interrupted in posing that question on the basis the Speaker maintained that an issue before a committee could not properly form the subject matter of a question.

I refer to *House of Commons Procedure and Practice*, Marleau and Montpetit, chapter 11 at page 429 which deals specifically with the subject matter concerning matters before a committee. I know the Speaker is intimately familiar with the rules of practice and procedure here, but I draw the attention of the Chair specifically to the bottom paragraph at page 429 where it states:

Questions to the Ministry on legislation or on a subject matter that is before a committee, when appropriately cast, are normally permitted as long as the questioning does not interfere with the committee's work or anticipate its report.

Government Orders

In reviewing the question posed by my colleague from Saint John, I think you would find that the question was on the subject matter of an issue which arose in the House that was contradicted at the committee. It was widely reported. It was the subject matter of much public debate and in the public domain.

Therefore I respectfully submit the question did not contravene the rules of procedure and was properly posed. Again for emphasis I suggest that this question was not in contravention of the rules of the House.

The Speaker: I beg to differ with the hon. member for Pictou—Antigonish—Guysborough. His citation of the appropriate words from Marleau and Montpetit is absolutely correct. It is his characterization of the question that causes me trouble.

As he said, the member for Saint John posed a question based on a statement the minister made in the House and another statement that the minister made in committee; but the statement made in the House had been referred to the committee by motion of the House following a ruling from the Chair on a question of privilege and was the subject matter of the discussion in the committee.

I refer the hon. member further to page 885 of Marleau and Montpetit, the chapter on committees:

It is not in order for Members to allude to committee proceedings or evidence in the House until the committee has presented its report to the House. This restriction applies both to references made by Members in debate and during Oral Question Period.

I think that disposes of the matter and I stand by the ruling I made at the time. In my view the question was out of order.

Mr. Jim Pankiw (Saskatoon—Humboldt, PC/DR): Mr. Speaker, during question period I posed a question of the minister of public works regarding the breach of the code of ethics by Alfonso Gagliano and his staff to seek preferential hiring treatment for Liberal supporters and friends.

In response the minister invited me to go into the lobby and repeat that. I am prepared to do that. I am on my way to the lobby now and if he wishes to join me I welcome him.

The Speaker: We thank the hon. member for the clarification on that point.

GOVERNMENT ORDERS

[English]

SPECIES AT RISK ACT

The House resumed consideration of Bill C-5, an act respecting the protection of wildlife species at risk in Canada, as reported (with amendment) from the committee, and of the motions in Group No. 2.

Mrs. Lynne Yelich (Blackstrap, Canadian Alliance): Mr. Speaker, I will go back to endangered species and to my support for the general concept of a federal species at risk bill. Over 80% of Canadians are concerned about species at risk and support efforts to prevent species from becoming extinct.

I am part of that 80%. My home province of Saskatchewan signed on to the concept of federal species at risk legislation several years

ago. The plan it signed on to was a complementary and co-operative process with the provinces. However today I stand before the House as a concerned member of parliament. I represent a concerned province and concerned constituents.

The proposed legislation goes far beyond the intent of the accord signed by the provinces and the federal government in the late 1990s. Saskatchewan like many other provinces has serious concerns about the direction in which this species at risk legislation is headed.

I hope that through talking about Saskatchewan's experience with this type of legislation it would be clear to all members of the House how important co-operation is. This legislation cannot be effective without co-operation.

I strongly oppose the clause in Bill C-5 that allows the minister entirely, at his own discretion and without any criteria, negotiation or accountability, to impose federal law on provincial jurisdiction. This will not facilitate the co-operation about which I have spoken extensively. That is wrong. It will bring confrontation and will ultimately be unworkable. The species at risk in my province and my country deserve better than a piece of ineffective legislation.

I understand the necessity of the federal species at risk legislation. We have seen the importance of it when the federal government passed the Migratory Birds Convention Act in 1994, but we need to have a balance between federal and provincial jurisdictions to meet the two extremes of each power. There needs to be negotiation with the provinces.

I strongly encourage the government to look at Bill C-5 on the aspect of jurisdiction. The bill should not be passed until this key aspect has been considered.

I spoke briefly about this topic when I was in the House yesterday and today I need to reiterate what I said then. The way in which Bill C-5 would delegate jurisdiction between the federal and provincial levels encourages confrontation rather than co-operation with the provinces.

Bill C-5 would give the federal government's Minister of the Environment the power to impose its laws on provincial lands completely at the discretion of the minister. However it may be necessary to give the federal government some measure of power to impose its laws on provinces that are not behaving with an adequate respect for these species, but using discretion as a measure of power given to the federal minister is hopelessly vague. It is unfair to leave decisions falling into the realm of jurisdiction up to the discretion of one person.

In our criminal justice system the decision on whether or not to convict someone of a criminal offence lies in the hands and discretion of twelve people and not one. When a decision such as this one is left up to discretion we open the door to one's moral, ethical and even religious dispositions to come into the mix. This is something sure to spark endless debate.

We need strict guidelines on when the federal government can impose its laws on the provinces so that the provinces and the landowners know what to expect in terms of interference from the federal level.

Government Orders

Since Bill C-5 leaves the power of the federal government completely at the discretion of the minister responsible, landowners do not know if or when the federal government can or will impose its laws on provincial lands. Instead of working together with the provinces and property owners the federal government is introducing uncertainty, resentment and distrust.

The federal government must be responsible for ensuring that it consult and co-operate with the provinces when making these considerations.

●(1510)

Somewhat ironically, in a 1999 independent study commissioned by the federal government, a review of national accord gap analysis, nine out of the twelve provinces and territories scored higher than the federal government regarding wildlife conservation. In fact, the federal government scored 44% on the test whereas all of the prairie provinces scored in the top five with marks ranging from 64% in British Columbia to 85% in Alberta.

How can one not see the irony in this? Under these conditions which are found in a study commissioned by the federal government itself, it still insists that federal wildlife officials be allowed to peer over the shoulder of its provincial counterparts to ensure that they are doing their jobs. The provinces are obviously doing a better job of wildlife conservation than the federal government.

Why does Bill C-5 not recognize the federal government's own shortcomings in this area? Rather, it adopts an arrogant attitude ensuring a dominating and coercive attitude toward the provinces. Each province and territory of Canada is different in regard to the species that inhabit their boundaries. This is why legislation protecting endangered species, such as Bill C-5, should encourage feedback and co-operation with the provinces.

Similarly, officials from the government of Saskatchewan expressed concerns in a number of areas covered in Bill C-5.

First, they are of the impression that it does not adequately allow for provinces to take an ecosystem approach. What is good for one species in the grasslands may not be good for another species inhabiting the same environment. Bill C-5 is fairly narrow-minded. It does not adequately allow for the provinces to take a diverse and open-minded perspective toward wildlife conservation.

Second, the government of Saskatchewan is worried that it does not have the adequate resources or the timeframe to meet all of the provincial requirements outlined in the bill.

Moreover, Bill C-5 is diverging from the spirit of the national accord for the protection of species at risk signed in 1996 by most provincial and territorial ministers responsible for wildlife and by the federal government. The accord lays out a variety of commitments to protect species at risk. By its terms, the governments recognize that intergovernmental co-operation is crucial to the conservation and protection of species at risk, that the governments must play a leadership role in complementary federal, provincial and territorial legislation, regulations, policies and programs.

●(1515)

BUSINESS OF THE HOUSE

Mr. John Williams (St. Albert, Canadian Alliance): Mr. Speaker, there have been consultations between the parties and I believe you would find unanimous consent for the following motion. I move:

That at the conclusion of today's debate on Private Members' Business item M-296, the question be deemed put, a recorded division demanded and deferred to the end of Government Orders on Tuesday, March 12, 2002.

The Speaker: Does the hon. member for St. Albert have the unanimous consent of the House to propose the motion?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to)

* * *

SPECIES AT RISK ACT

The House resumed consideration of Bill C-5, an act respecting the protection of wildlife species at risk in Canada, as reported (with amendment) from the committee, and of the motions in Group No. 2.

Hon. Ethel Blondin-Andrew (Secretary of State (Children and Youth), Lib.): Mr. Speaker, it is my pleasure to speak on Bill C-5. In Canada's north there is a very close relationship between the people and the wildlife. We know from what has been handed down from generation to generation about the different kinds of species in the north, how they live and thrive and where they live. We depend on wildlife in many ways. They are an important part of our heritage.

In Canada's north we are made up of territories and not provinces. In the overall federal strategy to protect species at risk and in the species at risk act itself we are treated as equal partners. Our heritage and connection to the environment and wildlife are well recognized. What is also recognized in this proposed act is the co-operation based approach we take on many issues affecting the north.

By glancing down the list of these motions one might get the impression that there is a move afoot to undo the work of the Standing Committee on the Environment and Sustainable Development.

This is not the case at all. In fact the standing committee has made over 100 amendments to Bill C-5, many of which provide additional clarity to the intent of the proposed act. The government supports most of these amendments, although in some cases the text will have to be cleaned up. Approximately 30 government motions deal with what we can call housekeeping matters to ensure consistency in wording throughout the bill while maintaining the intent of the standing committee amendments.

There are however some significant amendments from the standing committee that change the fundamental approach of the legislation, an approach that we have worked on long and hard with provinces and territories in Canada.

Government Orders

I am not here to provide a lecture on federal-provincial-territorial relations. Nor am I planning on instructing my colleagues on the Canadian constitution, however tempting that might be. However members will see, as I discuss several key government motions, that the urge to deliver both lectures is fairly tempting. I am here to speak in favour of the government motions that restore the co-operative approach with provinces and territories.

Unfortunately, standing committee amendments eliminate the incentives for the territories to complete the development of their own species at risk legislation to meet their commitments under the accord. The standing committee's approach, whereby the safety net is only available in the territories for game species, does not fit at all with the way things are done now. It also contradicts ongoing devolution of federal responsibilities to territorial governments.

Under the standing committee's approach, we end up being hypocrites. Here we are devolving authorities to the territories and doing such things as engaging in self-government talks. We promote the empowerment of people so they can sustain themselves economically, politically, socially and otherwise. However, what do we do? We hamstring them with legislation. We are devolving these authorities but we would be taking them away through the species at risk act. I am sure members will agree this does not work and it is not how we want to act.

We all agree that governments have a responsibility to protect species and their critical habitats in their jurisdictions. That is why the government signed the accord for the protection of species at risk with provinces and territories in 1996.

Canada is a large country and we must work together to protect species and habitats. The accord is key to maintaining good relations with other jurisdictions and it is working. Since it was agreed to, most provinces and territories have introduced or amended their legislation to meet their commitments in the accord.

Bill C-5 is intended to be a key component of the government's efforts to meet its commitments under the accord. If the intent of the bill is contrary to the accord, we are certainly not doing our part. More important, we would be seriously jeopardizing relationships that are critical to wildlife management in Canada.

• (1520)

I was born in the north. I have lived in the north in a largely harvesting conservation family for more than one generation. We have lived with the wildlife species in my area and still harvest after generations the same species because we probably have inherited the gift of knowing how important that wildlife is to us.

We did not need legislation to do that. I am not saying we should not have legislation, but we should remember when we empower those people, governments and districts and give them the levels of authority, then we should respect our agreements.

Changes that diminish the incentive for other jurisdictions to strengthen their legislative base consistent with the accord for the protection of species at risk will not work. Nor should the proposed species at risk act contradict our approach to devolution in the territories.

The standing committee amendments fail to recognize that territorial laws cover more than game species. The government agrees with the standing committee that protection should be effective, however we cannot support amendments that make it a legal requirement to reach federal-provincial-territorial agreement on what this constitutes within six months.

Work is ongoing among federal, provincial and territorial governments to develop bilateral agreements and a policy for determining effective protection under the accord.

The tight timeline of six months on such an important matter is impractical and raises serious concerns. It derides the whole issue of consensus building and getting people to buy into the process and understand it fully. The government motions ensure that the policy is developed in a timely and inclusive manner. It would be more effective over the long term to have all governments sign on together to an agreement that outlines commitments for species and habitat protection than it would be for the federal government to try to unilaterally impose criteria on the provinces and territories.

Our relationship with the federal, provincial and territorial governments is a very tricky dance. It is a very delicate and sensitive issue. We must respect that and guard the progress we have made with them.

It is necessary for the governor in council to have the discretion to make decisions related to intergovernmental issues. That is the way it works in Canada. The governor in council also does not want to be put in a position where a province or territory or the endangered species conservation council dictates that action be taken, action such as applying the safety net, that may have a considerable impact on resources.

Think of what it could mean in a case where compensation might be applied. These are important motions. In no way do they negate or discredit the work of the standing committee. However, within the context of many years of federal-provincial-territorial co-operation on species and habitat, we know otherwise and must make these motions for governor in council discretion on the safety net. Legislation cannot guarantee the protection of species at risk and their critical habitat.

A co-operative approach backed by broad authorities to step in when necessary comes as close as we can to ensuring we achieve the stated purposes of the bill. We have an excellent bill that is the result of much hard work, many years of study, of steady consultation, good will on the part of provinces and territories and a made in Canada approach.

These motions are in keeping with such an approach, and I urge all members of the House to support them.

• (1525)

[*Translation*]

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, it is my pleasure to take part in the debate on this bill with other colleagues from my party. I would like to take this opportunity to congratulate my colleague, the member for Rosemont—Petite-Patrie, on the work that he has done as the Bloc Québécois critic on the environment.

Government Orders

First, the Bloc Québécois recognizes the importance of this matter, as indeed, some species are at risk, to the point where some are close to extinction, which makes the situation very serious, if not critical.

This being said, we need to consider Bill C-5 from two different perspectives. First, we must ask ourselves whether or not Bill C-5 really provides additional protection that can be enforced. Second, we must ask ourselves if it will really contribute to enhancing the protection of our ecosystems and the endangered species that make up these ecosystems.

We believe that the answer to these two questions is no. I would like to use the time provided for me to specify why this bill does not constitute an effective means to act.

First, we must point out that Quebec has already acted in this area over the years, and acted in a very decisive way in the late 1980s. Indeed, Quebec passed the act respecting threatened or vulnerable species in 1989. It also passed the act respecting the conservation and development of wildlife, and fishing regulations.

These three legal supports provide Quebec with all the tools required in order to identify species at risk, to legally designate them as threatened or at risk, to protect their habitat and to develop implementation plans that are tailor made to restore and provide sufficient protection for species and habitat that are in a precarious situation.

As I mentioned earlier, the Bloc Québécois completely supports the underlying principle of providing additional protection for species. We heard answers from the Minister of the Environment and member for Victoria, in British Columbia, given to questions asked by the Bloc Québécois regarding the implementation of the Kyoto protocol. He stated that the Bloc Québécois was opposed to the protection of endangered species, that the Bloc Québécois does not care about them.

I will forewarn you that he will use what I would term malicious tactics to try to interpret my words as indicative of the Bloc Québécois position. I will deprive him right away of any chance of doing so—let him listen carefully, I repeat—the Bloc Québécois is not opposed to the principle of enhanced protection for endangered species. Is that clear?

We do not, however, believe that Bill C-5 can make it possible to protect endangered species any better.

In fact, we are opposed to this bill because we consider this, once again, an intrusion into areas that are wholly under the jurisdiction of Quebec. There is a direct overlap with the Quebec legislation, which has been in place since 1989.

• (1530)

My colleague, the hon. member for Rosemont—Petite-Patrie, has made a public commitment to the Canadian Nature Federation to speak to the Quebec Minister of the Environment on the need to review the 1989 legislation with a view to improving it and bringing it up to date. We acknowledge that between 1989 and 2002, with the changes occurring in ecosystems, with new elements such as acid rain and all manner of climate changes, there is a need for updating the legislation. This is a commitment my colleague from Rosemont—Petite-Patrie has made to the public. He has therefore

made a commitment to ask the Quebec environment minister to improve the 1989 statute and to bring it up to speed as far as the serious situation of endangered species is concerned.

We believe that this bill is liable to create more red tape rather than to make it possible for the limited resources to be properly channeled where they can do the most good. We in the Bloc Québécois are of the opinion that the Government of Quebec is already legislating in the areas addressed by Bill C-5. While acknowledging the urgency of improving the implementation of these statutes, we do not believe that Bill C-5 will make it possible to achieve the results it is claimed to be able to achieve.

While we recognize that the environment is a responsibility shared by the federal government and the provinces, it is increasingly clear to us that the federal government is ignoring this fact by going completely against a true environmental harmonization between the various levels of government. Indeed, instead of assuming as it should its major responsibilities—among other things, implementation of the Kyoto protocol comes to mind—the federal government stubbornly keeps taking over jurisdictions that do not belong to it.

Instead of trying to act effectively where it should, it prefers to invade areas in which the provinces are already doing an adequate job—I did not say perfect, I said adequate—even though there may be room for improvement. This is in fact why the hon. member for Rosemont—Petite-Patrie is making representations to the Quebec minister of the environment.

Moreover, what the federal government calls a double safety net—that is two levels of government operating in the same jurisdiction—waters down the accountability of both and seriously complicates the assignment of responsibilities. Both levels can say “I feel that I am not doing the right thing, but it is the other one's fault”. This is what happens when the government wants to overmanage and overgovern. It is always easier to shift responsibility to someone else by involving a number of stakeholders.

In conclusion, Bill C-5 will only create duplication, at a time when resources are limited and it is important to maximize efforts in this area and channel them properly. We recognize the need to improve the protection of our ecosystems and the endangered plant and animal species that constitute them, but we do not believe Bill C-5 is the way to go.

The Bloc Québécois opposes the principle of Bill C-5 today.

• (1535)

Ms. Hélène Scherrer (Louis-Hébert, Lib.): Mr. Speaker, I rise today in the House as a member of the Standing Committee on the Environment and as a member who has taken part in the debates on Bill C-5 over the past three months. I will start by saying that I do not completely agree with the colleague who spoke before me.

I wish to speak about the need to work with the provinces and the territories in order to protect the species at risk in Canada.

Government Orders

Our constitutional structure means that we must constantly work together with the governments of the provinces and territories regarding any important policy. This situation exists for a good reason, which most members here would describe as fair, practical and, above all, typically Canadian.

The development of the strategy for the protection of species at risk is one of the best examples of how well this system works. The success of this strategy is due to the collaboration between governments, which began a good number of years ago.

I would also like to recognize the joint projects on the protection of species and habitat, in which the federal government and the province of Quebec took part.

A good approach based on co-operation has been in place for a number of years. The province of Quebec attaches great importance to its role in the protection of species and habitat. It plays an active role in the evaluation and designation of wildlife species. The fact is that, last year anyway, the province stepped up its designation process and officially designated a dozen species under the provincial legislation.

The federal departments worked closely with their counterparts in Quebec. A federal-provincial committee on species at risk was set up and includes representatives from Environment Canada, Fisheries and Oceans Canada, and Parks Canada, who are working with the provincial representatives. Every year, more progress is made in delivering an effective program based on co-operation.

This situation is the same throughout Canada. For decades, the federal, provincial and territorial governments have worked together to manage wildlife species, not just to the benefit of species at risk but to the benefit of all species.

Through the North American waterfowl management plan, the provinces and territories are working with the federal government and their counterparts in the United States to conserve hundreds of hectares of wetlands and protect many waterfowl species.

We have helped each other and we have worked side by side to protect the piping plover eggs laid in the sand. We have met in board rooms to seek the support of corporations and resource-based industries in order to get them to create model forests and protected zones. We have worked together to create thousands of hectares of parks and game reserves.

It is obvious that we are all aware that the issue of endangered species is a national concern, and no single entity can do it all.

We must continue to work together. We must be able to readily cross over the demarcation line between the federal government, the provinces and the territories, a line that makes us good neighbours and good partners.

As a government, we have committed to certain laws and programs. We have made that commitment official in a number of ways including legislation.

It is time for the federal government to make its commitments official within the context of the proposed legislation.

The provinces and territories have worked along with us in drafting Bill C-5. For some three months, we heard from numerous witnesses. This bill reflects their contributions. The success of this initiative absolutely depends on their support.

It is clear that we will not be able to put the endangered species legislation in place without provincial and territorial co-operation. We cannot protect these species without the co-operation of the provinces and territories. They are the ones who administer the land and activities which have an impact on these species and their vital habitat. They are the ones responsible for land management policies, the ones responsible for the delivery of so many programs.

● (1540)

A large part of the lands that many species depend on comes under provincial or territorial jurisdiction. The provinces and the territories have a large part of the resources required to improve habitat and protect wetlands and parks.

Together—and I do mean together—we have laid the foundation to ensure the protection of all species and essential habitat across Canada. That is the reason that we developed the national accord for the protection of species at risk in Canada.

Much has been done in a short time. Quebecers have worked with official representatives from the province and the federal government as well as conservation agencies and other stakeholders.

The habitat stewardship program has developed a preliminary habitat conservation plan for species at risk in the Magdalen Islands and elsewhere. As a part of its conservation strategy for the Sutton mountains, the Ruiter Valley Land Trust has developed a plan recognizing the habitat of species at risk. These are a few examples of co-operation. These examples all contain a significant provincial component, and we cannot compromise this approach.

However, some of the amendments proposed by the standing committee undermine the agreement's underlying principles and compromise commitments that have already been confirmed: specifically, the fact that the committee would unilaterally determine the criteria to trigger the mechanisms for the safety net for essential habitat outlined in Bill C-5 and transfer significant territorial responsibilities to the federal government regarding species and habitat.

Under the agreement, all levels of government made a clear commitment to fulfilling the objective of the changes proposed by the committee. The government's motions eliminate the imposition of criteria that are decided upon unilaterally and re-establish territorial responsibility regarding wildlife species that come under their jurisdiction in order to allow provincial and territorial governments to remain full partners in the protection of species in Canada.

The federal, provincial and territorial governments are currently working on developing bilateral agreements and a policy to determine efficient protection under the agreement. By developing these agreements together, we are ensuring that each government understands its own responsibilities and has the means to trigger the safety net.

This is why the government is proposing amendments to re-establish an approach that is based on co-operation. This is why we must support these amendments.

• (1545)

[English]

Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance): Mr. Speaker, I wish I could say it is a pleasure to address the amendments that are before us on Bill C-5, but it is definitely not. I have not felt so vehemently opposed to a bill in a very long time.

It should be obvious to the government that virtually all the members we have heard speak today have objected vehemently to the bill, including a government cabinet minister and many Liberal MPs. It behooves the government to take a second look at this legislation and put it on hold. Definitely there are some serious flaws with it. I am going to draw attention to some of them. Before doing that I want to comment on the process.

We do not have nearly enough time to debate this issue. I have quite a number of concerns on this group of amendments alone and it would take much longer than 10 minutes to address them. We should put this bill on hold if for no other reason than to allow us to properly address all the issues that have arisen in this group of amendments.

We have put forward some very good amendments. One of the process objections I have is that when we put forward these amendments very often they are not seriously considered. Rarely does the government accept what we have suggested as a good, positive contribution to a bill. That is something else we should look at in the House. Many members on this side of the House represent Canadians in a way that is a very constructive and helpful in improving legislation. Very often the amendments we work so hard at drafting to improve the legislation are dismissed. That is not right.

For example, I worked on the gun control legislation. We put forward some very constructive suggestions and amendments to the bill. The government completely ignored them and \$685 million later, the Liberals realized we were right. They are going to plow how many more hundreds of millions into a system that was supposed to cost less than \$100 million originally, because the government does not listen to the opposition.

Hopefully the comments I have made will cause the government to pause and take a second look. I will now address the amendments.

Some aspects of the bill are contrary to 800 years of civil and criminal law tradition which we inherited from Great Britain and our ancestors. That in itself should cause us to take a serious second look at this bill. Let me explain. The amendment we propose would try to correct the flaw in that the bill makes it a criminal offence with a serious penalty to unwittingly do something, to unknowingly commit a crime. That has not been the case in law and the tradition we have had for 800 years. Our amendment says that no person shall knowingly kill, harm or harass. One key word needs to be added to the bill.

As the bill now stands, it is a criminal act to kill, harm or harass any one of the hundreds of endangered species or to interfere with their critical habitat. The fines are steep. The fines are up to \$1 million for a corporation and a quarter of a million dollars for an individual. The bill provides for imprisonment for up to five years

Government Orders

for an indictable offence. We are talking about something very serious.

I referred to another bill that I have a lot of experience with, the gun control bill. Again the Liberals put into criminal law the same kind of reverse onus. A person could accidentally make a mistake on a form that has to be filled out and could end up in jail for five to ten years. A person has to prove his or her innocence.

• (1550)

It used to be that someone had to be proven guilty and intended to break the law. The same problem exists with this bill. There is a reverse onus and that is not right.

Someone could commit an offence without knowing it and the bill does not require intent or even reckless behaviour to be a factor. Rather it places the burden of proof on the individual to prove that he or she was exercising due diligence should harm come to any endangered species. In this way the bill ignores one of the fundamental tenets of our western legal history: that criminal penalties are only given for offences committed with a criminal mind. The term in Latin is *mens rea*.

Is it fair to convict a person of a serious criminal offence when the person might have had no idea he or she was in danger of committing one? In order to protect themselves from breaking the law, people would have to become experts at recognizing many different species, such as the sage grouse, the barn owl, the aurora trout, the Atlantic salmon, the prairie lupine, or the American water willow. People would not only have to recognize them but would have to recognize their critical habitat in case they disturbed a place where some of these animals spend part of their lifecycle. If we know anything about our natural environment, we know that is almost impossible to do. Even if animals used to live in an area or might be reintroduced into an area, people could be charged. There are some serious problems with this aspect.

In my last address to the House I spoke about what would happen if we passed the bill as it is. I mentioned the shoot, shovel and shut up principle which we would end up having because of this kind of law. People who discover an endangered species on their land will shoot, shovel and bury it, and then shut up and not tell anybody because of the way the bill is structured.

What is the alternative? It is simply to have incentives built into the bill for people to want to preserve endangered species rather than being made criminals if they accidentally do something or cover up something. That is a flaw with the bill. There is not adequate compensation for those people who have endangered species on their land or come across endangered species on their land.

Government Orders

We support the goal of protecting endangered species. It is a laudable goal. It is a responsibility we take seriously. However it cannot be done in a heavy handed way as it is in the bill. People want to co-operate but this "got you" approach from the government is adversarial and does nothing to encourage co-operation. People might not know they are harming an endangered species but the government says "we got you". All people can do is hope that the minister is reasonable in exercising his discretion. This trust me principle is not good enough.

How are companies, for example those involved with mineral or oil and gas exploration, supposed to demonstrate due diligence over operations covering hundreds of thousands of hectares when they do not even control all the external factors involved? It is totally unreasonable to expect that. That is why we suggest proper incentives should be put in the bill. That would be much more effective in meeting the goals of the bill.

There are 70 million hectares of agricultural land, that is over 150 million acres, and 25 million hectares of privately owned forest lands in Canada. How do farmers and operators exercise due diligence over these areas, especially when many are small operations with limited resources and no familiarity with endangered species regulations?

The minister knows this is a problem. At the standing committee on October 3, 2001, in response to a question from the member for Red Deer, the minister said:

It's a legitimate matter for concern. The accident, the unwitting destruction—it is a concern, and we want to give the maximum protection we can to the legitimate and honest person who makes a mistake, who unwittingly does that.

• (1555)

The minister's fine words really do not cut it. His bill would make such an honest person a criminal. We need some protection.

I wanted to address some other concerns and at this time I simply do not have the time to do it. We need to respect provincial jurisdiction and I wanted to speak out on that. I wanted to also talk a bit about the severe penalties and the whole mens rea intention of this bill. I am hoping that the government will put this off so that I have more opportunity at a later date to express a lot more of the concerns I have, just with this group of amendments.

[*Translation*]

Mr. Dominic LeBlanc (Beauséjour—Petitcodiac, Lib.): Mr. Speaker, it gives me pleasure to take part in the debate on Bill C-5.
[*English*]

The people of Atlantic Canada understand what can happen to fish and wildlife. Many have lived through the dwindling cod stocks and the devastating economic and social costs this represented for many small communities in my region. We have adapted our practices to limit unintentional bycatch of vulnerable species. We have also adapted our land practices so as not to unintentionally harm wildlife.

For example, fishermen from the east coast, with the help of the federal government, are modifying their gill nets to avoid unintentionally entangling right whales and leatherback turtles. Citizens in New Brunswick are volunteering their time and energy to raise awareness about nesting sites of piping plovers on our many beaches.

We are committed to being active stewards of our natural legacy. We want to help find ways to not jeopardize species already at risk. We understand that this contributes to our quality of life and it is the responsible approach to take. Playing the role of stewards of our fish stocks, our wildlife and the lands and waters where they exist is important to Atlantic Canadians. It is essential to preserve many of the natural resources on which we depend for our economic future.

This is why I am speaking today in favour of the motions on the species at risk act that ensure there is a solid, science based process to listing species at risk. I am also speaking in favour of government accountability for the decisions to protect these species.

The scientific listing process ensures two very basic things that are important to me. First, it is scientists who will determine the status of species through a transparent and thorough assessment process. They are the ones best placed to do it. They are the ones with the expertise and the knowledge. I have no doubt that they will do this well.

The assessment process will be at arm's length from government, as COSEWIC maintains an impartial, scientific and expert judgment. These assessments are then presented to the Minister of the Environment and the Canadian Endangered Species Conservation Council. The COSEWIC list will also be placed on the public registry. The minister will use these scientific assessments as the basis for recommendations to cabinet to add species to the list for legal protection.

If an endangered or threatened species is listed under Bill C-5, then things start to happen. There are automatic prohibitions, for example, against killing or harming residences like nests and dens. If this occurs, mandatory recovery planning proceeds. The government gains the authority to take emergency action to protect habitat.

However, there could be significant social and economic impacts resulting from this protection. I feel strongly that scientists should not make socioeconomic decisions. They are specialists in science and their contribution to this process must be highly valued, but if protection affects people's lives and livelihoods, then elected ministers need to be accountable. That is how the democratic process works and we should not accept legislation that alters this fundamental principle.

For that reason the government must have the ultimate responsibility for making decisions on which species to add to the legal list should the situation arise where there would be serious economic or social implications.

Government Orders

• (1600)

[*Translation*]

It is not because the government does not want scientists to make decisions. It is because the government has a different role to play. It is responsible to Canadians for its decisions.

[*English*]

I know that the residents of Beauséjour—Petitcodiac want me, as their elected member of parliament, to raise their perspectives on listing decisions. This is the job they sent me to Ottawa to do and I think it would be unwise to hide behind unelected scientific panels. I also know that we should not rush or delay these decisions to fit into an arbitrary timetable. Each species is different and affects different interests. We need to ensure that our decision making process does not restrict unnecessarily our flexibility to make timely decisions but also the right decisions.

I support the government motion that removes the artificial six month timeline on cabinet decisions. In my view, cabinet decisions need to be made in whatever time is necessary to consider all the relevant factors, including science, and the social and economic consequences as well. The new requirement for the minister to respond to each and every COSEWIC assessment within 90 days provides, I believe, the required accountability for the scientific recommendations.

The scientists have their job to do and we, as elected members of parliament, have our jobs to do. Scientists must be responsible for scientific evidence and be accountable to their peer review, but elected ministers must be responsible to Canadians for decisions that could affect their social and economic well-being. That is exactly the balance that this bill achieves.

[*Translation*]

Ms. Monique Guay (Laurentides, BQ): Mr. Speaker, I want to say from the outset that I take a great interest in this issue because, as you surely know, I was the Bloc Québécois critic on the environment for several years. I also want to stress the work done by the hon. member for Davenport, who has long been a champion for the environment. It is important to have people like the hon. member for Davenport in every government.

This being said, when we draft laws, we have to ensure that they will be easy to enforce and that they will be harmonized with the existing laws of other governments. This is not the case with this bill.

I want to give the background of this legislation, because I myself went through it at the time, in 1995 and 1996, when the bill was introduced. That was a long time ago, since we are now in 2002. This bill was introduced in the House and, at the time, the Standing Committee on the Environment reviewed it for practically a whole year.

We heard all kinds of witnesses, including business people, environmentalists, legislative experts and lawyers. We asked questions to every one of them. The Bloc Québécois and myself moved a very large number of amendments to this bill, because we felt that it would be very dangerous to present and enforce it in its original form.

What happened to this bill? It died on the order paper because the government had other priorities. We went through another election, the bill was brought back and it died once again on the order paper.

Today, it is the hon. member for Rosemont—Petite-Patrie who is taking an interest in this issue. I congratulate him, because he too is working very hard. He moved significant amendments to this bill, to make it enforceable.

Let me be clear. Quebec has had since 1989 legislation to protect the habitat of endangered species. We cannot have a situation where the provincial government protects the habitat of species, while the federal government wants to interfere and says "I will protect species and you will protect their habitat". All this does not make sense.

We asked the government whether it was possible to have certain agreements, certain memorandums of agreement, between us, because the environment is something that goes beyond Quebec. Animals move from province to province, from country to country. There are certain transborder situations, such as lakes between two provinces, or even between two countries, between us and the U.S. Is it possible to have MOAs on certain specific areas, so that environmental regulations can be applied that will meet with everyone's agreement?

We all want to protect the environment, as I think Quebec has demonstrated for a very long time. One need only think of the Kyoto protocol, the work we have done on greenhouse gas emissions, in reducing those emissions. We have been an example to the rest of Canada. We do not want any lectures from the rest of Canada; they have not done their homework.

We in Quebec have done ours, and for a long time. We are in a lead position in this area. What we are asking of the government is that it follow in the footsteps of Quebec. In this and many other areas, Quebec is very much on the leading edge. We are ten years ahead in some areas. The feds could learn a lot from us.

That said, the bill we have before us at this time will not be effective. I cannot understand why they are trying to get it passed regardless. Just looking at the amendments moved by the Canadian Alliance, a huge quantity of them, we know that they will all get rejected here in the House. My colleague has done the same thing, and has made sure that his amendments would create a degree of harmony, to ensure that this bill becomes a piece of logical and workable legislation.

• (1605)

What will happen if we vote in favour of this bill as it now stands? The result, I think, will be wrangling that will drag on for goodness knows how long between the federal government, the provinces and the territories, but long enough so that, in the end, the species will disappear. This is what may happen, and it is not desirable. In any case, it is not what I wish to see.

I am very concerned about the environment. My riding is an environmental one—the riding of Laurentides—where, as one might imagine, lakes must be protected. I am therefore very close to the environment. However, I am also familiar with the whole issue of jurisdictions. When lawyers get involved in this, it will drag on forever.

Government Orders

As for the question of the various departments, there are departments such as Fisheries and Oceans or others which have already developed rules and there will be overlap. There will be wrangling between departments and claims that one party's legislation takes precedence over another's. There will be no end to it.

I find it unfortunate that in all the time we have been talking about Bill C-5, we have been unable to agree on a solid foundation and say "Yes, we are doing something but, at the same time, we respect what is being done already". The result will be that two departments and two ministers will argue back and forth over whose fish are whose.

This government has not even been able to agree on the necessary amendments—which I think are critical—in order for this legislation to be effective.

Unfortunately, that is how it is with this government. That is what we are up against here in the House. It is as though the ideas we suggest and what we are doing in Quebec are not recognized. Often, Quebec is also penalized in certain situations by bills introduced in this House. It is a one size fits all approach. No account is taken of what is being done elsewhere. No account is taken of the progress we have made. It is all ignored. Only those who are doing nothing right get the attention, and all the rest are punished. This will have to stop at some point, because it cannot be allowed to continue. People have to be able to find solutions that work.

I am not against legislation. Nor are my colleagues. On the contrary, we agree that there needs to be something, harmonization policies with the provinces, and that there be some sort of an agreement.

However, we do not agree when the government says to us, "well, children, you are not doing your job". That does not work anymore. I believe that in Quebec, we have done our job. It is important to keep working, to agree on things, to keep protecting habitat and to keep protecting our environment because it is indeed being threatened.

We are aware of this. This is why we need to develop environmental policies, and not just at the federal or international levels. We are making international commitments that we are not even respecting. We cannot be asked to trust a government that does not even respect its own agreements that it signed, agreements such as the Kyoto protocol.

In Quebec, we decided that we would reduce our greenhouse gas emissions. We decided that we would try to produce clean energy. We conducted research on electric cars. We did research on this, and have made so much progress that the mayor of Saint-Jérôme drives around in an electric car. This research was carried out at the CEVEQ, the centre for research on electric vehicles.

We are on the right track, headed in the right direction. But we most certainly do not need the federal government or the Minister of the Environment to hatch laws for us and throw a wrench in our works. We are doing just fine.

I am asking the government to look at this bill. I understand that my colleagues from the other parties are also opposed to the bill. I am asking the government to go back to the drawing board. Even environmental groups do not support it. The Liberals need to start

over again. If, in the end, they come up with something that is consistent with what we are already doing, we will be the first to support them.

• (1610)

[*English*]

Mr. Gary Lunn (Saanich—Gulf Islands, Canadian Alliance):

Mr. Speaker, I am pleased to represent my constituents of Saanich—Gulf Islands in British Columbia and speak to Bill C-5. I spoke on another section of the bill yesterday and I want to repeat something I said which I think is really important.

There are a lot of people who say we are opposing Bill C-5 and in doing so we are demonstrating our lack of respect for biodiversity in Canada and in the world. Some will say that we do not care about protecting endangered species in the country. I want to set the record straight. That is absolutely false. In fact the contrary is true. We care about the environment and we do so in a realistic and responsible manner. We recognize that legislation like Bill C-5 will fail, and fail badly, if it does not recognize some basic truths.

A lot of the debate today talked about the mens rea element, the mental element of committing a criminal offence, one of the hallmarks of our criminal justice system. Yet the government, in its wisdom, has brought forward legislation which it suggests would protect endangered species. However it would create a system where people who commit an offence may not even know they have, would be subject to very large fines and possibly jail terms, and the burden of proof would be reversed.

Typically in our criminal justice system the burden of proof is always on the crown to prove that someone is guilty. There is a reverse onus here where individuals who are alleged to have committed an offence would have to prove to the crown that they were actually exercising due diligence that no harm could come to an endangered species. It even goes further with respect to their habitats.

I want to throw a different angle on what we are doing here. We would be setting up numerous court challenges like we have seen so many times before in the House. We have spent millions of dollars on court challenges because the government in its wisdom has passed legislation that did not even recognize the very hallmarks of our justice system.

If the legislation goes through without being amended, if the government does not listen to what some of the opposition members are saying as well as members from the other parties, if it does not look at the mens rea element which is the Latin term for mental intent of committing a crime, and if charges are laid we could end up with numerous court challenges all the way to the Supreme Court of Canada costing the Government of Canada millions of dollars defending this. I absolutely cannot believe that the government is proceeding on this one facet of the bill alone.

Government Orders

What will happen? Individual Canadians, farmers who are struggling with large sections and acres of property, who possibly may not even be aware that there could be habitats of endangered species on their land, would be forced to fight these challenges if they could afford it. I would argue that many of them are in dire straits now. They would have to make appeals and who will be on the other side. They would have to pay through their tax dollars for the government lawyers who would be prepared to spend millions of dollars to challenge them. It is fundamentally wrong. I have huge concerns.

Some members opposite are trying to spin this that we are opposed to protecting endangered species. That is the furthest thing from the truth. We are saying to bring in legislation that will do the job and make it more effective.

•(1615)

I must admit that I have a huge concern with this one facet of the bill. We have reversed the burden of proof onto individuals to demonstrate and prove that in fact they did the necessary due diligence. How can we possibly expect the general public to even be aware of some of the species and their habitats? This will be up to the experts.

We should have some species at risk legislation. I do not believe it should be what is coming in Bill C-5. There are a number of NGOs who came before the committee and said exactly the same thing. The species at risk working group on due diligence said before the environment committee in September 2000:

We believe that proving due diligence is potentially very cumbersome and difficult for many resource users and landowners. We therefore recommend that the prohibitions, particularly with respect to their application on critical habitat, be made mens rea offences, shifting the onus to the crown to demonstrate that violations were clearly intentional.

We have no indication from the government that it is even willing to consider this. It did not come from opposition members; it came from the industry, people in the communities and groups that came forward to make these presentations to the committee. The government once again blatantly said, no. I do not know how many examples we must have in the House before it figures out that maybe it should be listening.

One of my Alliance colleagues from Saskatchewan worked on the firearms long gun registry and gave similar arguments to the ones I am making now, namely that the legislation would not work and needs to be amended. Here we are years later with a firearms bill that was supposed to cost no more than \$100 million that is now \$660 million and growing rapidly. It has failed miserably. It has not done what it was intended to do. It has caused an incredible burden on law abiding citizens. I do not know how many criminals have registered their guns but I would suggest not very many.

The government is once again refusing to listen. Some would ask why the opposition is putting up so many speakers on species at risk when we have things like terrorism and other important issues like immigration. I am not trying to minimize this but there are other issues.

The government puts the agenda forward. It is the one that puts legislation before the House. We cannot do anything about that. We

see a bill that is as flawed. It would cost taxpayers millions of dollars and court challenges in the years to come. We see burdens placed upon Canadians. It goes against the very hallmarks of our justice system by shifting the burden of proof.

The last time I checked a parking ticket was where one did not have to have intent. There we can accept that there should not be a mens rea element. However in Bill C-5 fines are being suggested, years in jail, hundreds of thousands of dollars in fines, and it is even suggested that there be no mens rea or intent to commit the crime.

It goes beyond the ridiculous that the government would even put the legislation forward. I ask members opposite to pressure their cabinet minister, the Minister of the Environment, and say the opposition may have a point and that they look at making some amendments to the legislation to make it more realistic so it does not end up in the courts.

•(1620)

I would plead with the government to do that. Hopefully, after days of listening to this debate, the government will understand that if the legislation goes through it will fail and fail badly unless substantial amendments are brought forward. Time will be the test and time will prove that we are right.

Mr. John Herron (Fundy—Royal, PC/DR): Mr. Speaker, it is my pleasure, on behalf of the Progressive Conservative Party and on behalf of my dearly beloved colleagues who have formed a broader coalition with respect to my DR colleagues, to speak to the second group of amendments.

We believe, and I think anybody who is reasonable believes, that a scientist is far more capable than a politician of determining whether a species is at risk or not.

Of course elected officials would believe in the very issue that social and economic implications have to be taken into account. They are taken into account in the context of the recovery plan. However, the list should be the list and social and economic implications is a job for elected officials to make sure that aspect is actually taken care of.

The other aspect I will speak about is the provisions that the Government of Canada is taking that actually gut elements and provisions that were made in committee.

Mr. Joe Comartin: After lots of hard work.

Mr. John Herron: As the member for Windsor—St. Clair just said, after an awful lot of hard work. The provinces supported the provisions made by the committee but the government wants to reverse those very same provisions.

Why is it that we do not have mandatory protection of critical habitat on federal lands, or what we believe is federal jurisdiction, yet the bill has provisions to interfere in provincial jurisdiction or perhaps even on private lands?

The Government of Canada has no moral suasion to do that unless it were to protect its own backyard.

Government Orders

Were it advocated in the context of a series of amendments that if a federal law was going to intrude or engage on provincial jurisdiction, it would be only prudent for us to have some criteria that would outline that level of engagement.

This is not only my opinion in the Progressive Conservative Party and my DR cousins. It is the opinion of the NDP. It was the opinion at the committee level of the Canadian Alliance. It is also the opinion level of the provinces.

I quote from a letter that was sent to me, dated December 20, 2001, from the minister of natural resources in the province of Ontario who has cartage of issues pertaining to species at risk. In a letter written by a strong minister in that particular cabinet, the hon. John Snobelen, he states clearly in this particular instance:

The only obligation on the part of the minister is to "consult" with the provinces before making the recommendation.

As members probably know, this is the case in clauses 34, 35 and 61. The minister goes on to state:

However, it is Ontario's position that the wording and the intent of section 34, clearly undermined that the co-operative spirit and willingness of the provinces and territories to enter into the collaborative decision making required to build a strong national program. I appreciate the Standing Committee's suggestions for a criteria regarding the application of the federal safety net.

What is the Government of Canada doing? It is gutting this provision that the province of Ontario supports.

He does go on to say that he believes that the Canadian Endangered Species Conservation Council should decide on that final criteria. That is exactly what happens in clauses 34 and 35 because of the work of the committee. Now the government wants to gut that out so that the Minister of the Environment can arbitrarily go in whenever he happens to think it is appropriate or not, as opposed to actually setting out actual criteria.

It is not just Ontario that shares this particular opinion. We can look at the Tory government in the province of Nova Scotia which also has a very strong piece of legislation. I might add that it has the strongest piece of environmental legislation on species at risk in Canada.

•(1625)

In a letter to me dated January 7, the hon. minister, Ernest Fage, writes:

"However, "the safety net" is one of the provisions of the new Act which goes beyond spirit and intent of the Accord as you have stated—

Here he is referring to a letter I had written to him. He goes on to say:

—the lack of clarity around the term "effective" protection is problematic, especially as it relates to "a critical habitat". We agree that a test for the "effective" protection acceptable to all jurisdictions needs to be developed".

Guess what? The Government of Canada has gutter that provision as well. It is against Ontario and against Nova Scotia. However, we do have more. When we wrote to the province of Prince Edward Island to tell it about the fact that we had established criteria, it said that it appreciated the establishment of the criteria and the application of prohibitions under the proposed act within the provinces and territories. Prince Edward Island is currently in the process of reviewing the recommendations of the standing

committee. The hon. minister in Prince Edward Island who is responsible for this particular file, Chester Gillian, had no problems with the committee's amendments in that instance.

Now we are against P.E.I., against Nova Scotia and against Ontario.

An hon. member: Does the member have more?

Mr. John Herron: Yes, I do have one more. The province of Alberta does not really care for this particular act at all. The clauses it hates the most are clauses 34, 35 and 61.

We thought our idea of interjecting criteria was a good one, as did Mike Cardinal, the minister who serves as the minister for resource development, who said:

Although your suggestion provides some further clarity in terms of the conduct of the federal Minister in exercising his authority, they do not alleviate provincial concerns respecting the overall intent of these sections.

He has said that he does not like the bill and, in particular, these clauses, but that what the committee did does provide at least further clarity. The sort of dislike radar is actually decreased in that regard. We have Ontario, Nova Scotia, Alberta and Prince Edward Island all saying the same thing.

With respect to listing, I would like to quote one particular section from the province of New Brunswick regarding scientific listing. Minister Volpé, the minister of natural resources, one of the strongest ministers in that great government of Bernard Lord, actually takes a national approach, meaning the federal government's approach to species at risk conservation, and says:

—to decouple the scientific determination of whether a species was at risk from the recovery or response actions.

The scientific determination on the status of a species should be based solely on science and the best available information. That is the job for scientists. The subsequent actions to respond to the status of species must weigh social and economic consequences against recommended recovery/ response actions. This is the job of elected officials. Bill C-5 as written and amended is not consistent with either of these two underlying premises of the national species at risk program.

Shame on the Government of Canada for not embracing scientific listing and not having the same kind of stewardship that the province of New Brunswick has.

I have heard, and I have to admit that it is only hearsay, that the Minister of the Environment has been saying that the provinces are mad about the committee's amendments. I have just demonstrated in the Chamber that the provinces do support what the committee has done and that the government is reversing amendments that the provinces categorically support.

I say shame on the Government of Canada for the amendments it has in Group No. 2, and shame on the Government of Canada for not respecting the stewardship that the provinces have and for not respecting what the national accord on protection of biodiversity was in 1966.

I was glad to share these letters with my colleagues in this room. This may have been their first chance to hear them so I will be very interested to hear what their responses will be at first blush.

Government Orders

•(1630)

Mr. Kevin Sorenson (Crowfoot, Canadian Alliance): Mr. Speaker, before I begin speaking to the bill, I would like to mention that we heard the government time after time today ask why the opposition was putting forward so many speakers to the bill. Is it that there are that many farmers concerned? The question is not how many farmers are concerned but how many less farmers there will be if legislation like this is implemented. There is a huge outcry from farmers and all those involved in agriculture, but the big reason we put this many members up is that we see in Bill C-5 an intrusion into the rights of enjoyment of property. We see an intrusion into property rights as a whole. It is not only a pleasure to rise to speak to the bill but I believe it is my responsibility.

Although this legislation has been around for some time, I have anxiously been awaiting the opportunity to speak to the endangered species bill. The first opportunity I had to speak to the bill came earlier this week, on Monday afternoon, and now again I get the chance to register my constituents' complete opposition to the various provisions of this proposed legislation.

Last week while the House of Commons was in recess I had the opportunity to travel throughout my riding. I attended over 27 meetings. I met with police services boards, the RCMP, a number of town councils, chambers of commerce, learning and sexual assault centres, senior groups, military officers from the Wainwright Training Centre, a number of business persons and public and high school students.

At each one of these stops, particularly at the schools and the chambers of commerce, I provided an overview of what was happening in parliament. I gave a brief account of the anti-terrorism legislation that we put through last fall at breakneck speed, which all members of the House worked together to pass, a bill that responded to the threat of terrorism in our country. I also explained my role to them as a member of parliament, my role as their federal representative and how, whenever and wherever possible, I represented their views, the views of the farmers, those involved in agriculture, those living in Crowfoot and those living here in Ottawa. I used both Bill C-5 and Bill C-15B to exemplify my point and to show how, with certain pieces of federal legislation, the opinions of my constituents vary greatly with the opinions of the government and of the government members' constituents, particularly, I may add, those members who represent urban areas.

Time and again we have witnessed legislation that has been brought forward in the House that has pitted rural Canadians against urban Canadians. This is particularly true with Bill C-5.

Farmers and ranchers represent the rural population in Canada. When I consider the riding of Crowfoot and I think of the huge number of farmers and ranchers who live in Crowfoot and those who are retiring to other communities, they certainly represent the majority of my riding. Ranchers and farmers in Crowfoot farm on average perhaps 1,500 to 2,000 acres of land. Many ranches are 5,000 acres of land or larger. Some farms are smaller. Some have 160 acres and some have 320 acres.

I own a small business and I also own a farm. I am the fourth generation on that farm. I say this to make it very clear in this place that the people of Crowfoot respect the land. They are good stewards

of the land. They all have been extremely proud landowners for generations and have looked after their land.

Under the proposed legislation that is before us today, the proud landowners of Crowfoot and other places in western Canada could lose their land if bureaucrats, who are far removed from the situation and from the prairies, designate it as a critical habitat for an endangered species. Nothing in the bill compels Ottawa to fully compensate landowners at fair market value for the loss of their property.

•(1635)

I cannot begin to explain to members of the House who do not represent rural ridings the devastation that has been experienced in farming over the last few years. Parts of my riding of Crowfoot such as Castor, Hanna, Oyen, Consort, Coronation, and Provost to a certain degree, have never been drier than they are right now because they have been affected by the drought. As I travelled through my riding last week, one farmer said to me that if the drought does not finish him off this year the grasshoppers will. This is a very serious problem in Crowfoot.

Farmers do not need made in Ottawa laws such as Bill C-5 to drive them any further into the ground. Many of my constituents are struggling to survive. They are struggling to keep their farms viable so they do not lose their land. Any part of the land, any loss, any number of acres that might be taken out of production can completely drive them under and make their farming unprofitable.

As their representative, I am not willing to stand back. I will not stand by complacently and watch the demise of the family farm in this country happen any faster than it is already. I will do everything in my power to see that farmers of Crowfoot, of Alberta and of all of western Canada survive, and that means voting against the bill in its present form. That means taking a look at bills like Bill C-15B, the cruelty to animals bill. That means looking at other bills that come into this place from the perspective of their effect on the riding of Crowfoot. How will they affect Camrose, Wainwright and other centres and the individuals living there?

As stated earlier, there have been far too many instances where this Liberal government has brought in legislation that pits rural Canadians against urban Canadians. This was particularly evident with Bill C-68, the firearms legislation.

Last week when I explained Bill C-5 to students and explained the fact that their parents could have land confiscated or taken out of production without adequate compensation, for many it was reminiscent of 1995 when the government first introduced the firearms legislation banning a number of commonly owned guns and requiring registration of all long guns in Canada for the very first time.

Government Orders

A senior justice official once said to the committee reviewing previous firearms legislation:

A look at the history of gun control in Canada shows that it developed through several stages in relation—

• (1640)

The Deputy Speaker: Order, please. The hon. member for Davenport on a point of order.

Hon. Charles Caccia: Mr. Speaker, you may want to remind the hon. member to respect the rule of relevancy.

The Deputy Speaker: When we think of relevancy, we are reminded of something that has a certain amount of flexibility. Certainly other members on either side of the House from time to time on debate refer to other pieces of legislation. I am satisfied at this time that we have not gone beyond the spirit and the intent of that process.

Mr. Kevin Sorenson: Mr. Speaker, I thank you for allowing me to continue. If the hon. member had heard my entire speech, he would have realized the relevancy of what I am talking about when we have a heavy handed government, a government that has been quite willing to put agriculture and property rights on the slippery slope. We support the goal of protecting endangered species. It is a goal worth protecting, but this government, with its heavy handed, gotcha approach, seems to feel it can invade property rights at any opportunity, so the relevancy is very clear.

I will close by saying that during several stages in relation to a changing society we have stood by and watched the government erode our rights. Bill C-5 erodes the rights of landowners. It erodes the rights of the farmers. Parliament has a total lack of respect for rural Canadians. Many farmers and ranchers have abandoned their way of life in the last few decades because they could no longer survive. They certainly do not need another nail in their coffins. The government has the hammer and it has the nail. Is this the nail that will close the coffin for good? Maybe not for every farmer, but it is another nail being put into their coffins, something that we see far too often.

We in the Canadian Alliance will continue to oppose the legislation until the government brings back a bill and gets it right. Looking at Bill C-5 and the amendments, the government does not have it right.

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, I rise with great honour today to recognize my hon. colleague from Windsor—St. Clair, colleagues from Fundy Royal, York North, Lac-Saint-Louis and Davenport and others who did outstanding work on the committee. They brought to the forefront a very technical and very difficult bill, with all those recommendations and concerns, were able to get input from provinces, industry, environmental groups and politicians together and come up with something that has broad based support.

One would assume that when politicians can get competing sides to agree on something they would want to run with it. Unfortunately this government, with its agenda, will gut the bill completely.

I tremendously appreciate the efforts of the member from the Alliance Party who just spoke in support of the small family farm. I think it is a good tribute to him to do that, but at the same time that he talks about drought his party does not want Kyoto. He talks about

money for farmers and agriculture but it was his party in a previous election that was going to gut hundreds of million of dollars from the agriculture department. I wonder if he told the people in his town halls and his riding that when he was talking to them. That is the last thing I will say about it.

The problem is that the environment minister stood here in question period and said that we cannot move on Kyoto until we have consultation. Kyoto has been around for five years and now we are to have consultation. What have the Minister of the Environment, his department and his government been doing for five years? Absolutely nothing.

Now we have a bill supported by the Liberal members on the committee along with other members of the opposition. They worked their guts out on the bill, only to have the government, in a very backhanded, very mean and vindictive way, tell its own backbench members of parliament that their work does not mean anything. All the money they spent, all the time and all the effort mean absolutely nothing. That is unacceptable in a parliamentary situation. If the Liberals treat their own members that way, no wonder they treat the rest of us in parliament the way they do.

We have talked about species at risk. The reality is that the committee considered over 330 amendments to the bill and tabled its report with over 125 of them. The bill in its current form, prior to the government getting its hands on it, represents the absolute minimum in terms of what we are willing to accept and falls far short of what was originally called for.

The bill that was brought back to the government is the minimum. What is ironic is that this is a government that downloads everything in sight to the provinces, but when it comes to classification of endangered species, oh no, it does not want scientists or experts to talk about that. It wants bureaucrats and politicians to decide on what is an endangered species. That is absolutely unbelievable.

I represent riding that is very suburban but very rural as well. I can assure the House that many of these farmers, fishermen and people in the logging industry support initiatives that protect endangered species. Everybody knows that for every species we lose or that becomes endangered, be it plant or animal, that goes up the food chain until it finally reaches us. Every time we lose an animal or we lose a plant or we lose a valuable protected space for habitat, we are signing our own death warrants. That is a fact.

The bill done by the committee was the bare minimum that people were willing to accept and the government has the audacity to just rip it up and have its own agenda. That is absolutely unbelievable.

Off the coast of Nova Scotia is one of the most beautiful underwater canyons on the planet, the Sable Gully. For close to three years the government has been dithering around on whether to make it a protected area or not.

Government Orders

•(1645)

The government cannot decide. The oil and gas industry is saying to protect it. The fishing industry is saying to protect it. The provinces are saying to protect it. However what do we have to do? We need to have more studies. For three years we have been asking for this to be protected. There are 15 species of whales. It is an area larger than the Grand Canyon. Many varieties of fish and plant life live in the gully. All we are asking is that it be protected. What does the government do? It waits and waits. The environment cannot wait. The people of our country, and for that matter people from around the world, require legislation that is broad based and protects spaces for our endangered species and other species to inhabit. We share the planet and ecosystem with many other species. Our role is not to dominate and rape and pillage the planet on our own.

If we continue on this path, the government's eight year legacy will be a scorched earth policy. When the Liberals get out of government, and one day they will, what will happen is that the people of Canada will ask them what they did for the environment. Absolutely nothing. The government looks at other species and just ignores them. It wants to give control of this and the scientific listings to bureaucrats and politicians. It is absolutely unbelievable that the Liberals could do that.

For the absolute life of me I do not understand how a government could treat nine members of its own committee in this way. However, I remember very well the Standing Committee on Fisheries and Oceans a few years ago, which was chaired by the member for Gander—Grand Falls. We spent over \$180,000 on the east coast fisheries report. We consulted widely and broadly across the east coast. We told the people of those fishing communities that we would bring their recommendations to the House of Commons. All five political parties on the committee spent a long time on it.

It was the first time that five political parties in the House of Commons unanimously agreed on a report, word for word, and as we know, in committee it is difficult to get unanimity on most things. This report would have protected an awful lot of fish stocks. It would have protected coastal communities. It would have done an awful lot of good. Nine Liberals signed that report. We moved consensus for the report in the House only to have those same Liberals stand up and vote against their own report. They did not do it with just the east coast report; they did it with the west coast report as well.

Therefore, what we basically told the people of Canada is that we will fly on luxury aircraft to their communities, talk to them, promise them the moon and the stars, go back to Ottawa and write a report. However, unbeknownst to the people of Canada, especially people in rural Canada, the Liberals do not tell them that they have an agenda that completely ignores their future needs.

The day will come very soon when the people of Canada will wake up and understand that, because every species we lose, be it plant or animal, brings this closer to us ourselves. If the government and the Prime Minister want to leave a legacy for the people of Canada from coast to coast to coast, I will tell him now and I will tell the Liberal Party that I would support their initiatives if they did the following: if they made their legacy one of leaving the country in a very healthy condition, a condition in which we can drink the water, breathe the air, eat the natural food and maintain a livelihood from

the labour and sweat of our brow for farmers, fishermen, loggers and so on.

I encourage the government to reverse itself, to accept the recommendations of the all party committee and to move forward in a positive light to protect the fellow species we share the planet with.

•(1650)

Mr. Gurmant Grewal (Surrey Central, Canadian Alliance):

Mr. Speaker, I am pleased to rise on behalf of the people of Surrey Central to take part in the report stage debate on the Group No. 2 amendments to Bill C-5.

About 35 amendments in this group mainly deal with issues relating to jurisdiction such as ministerial power or discretion to pass judgment on provincial laws; federal or provincial co-operation; and the role of the federal government in protecting our wildlife on provincial lands. Issues such as criminal intent are also raised among others such as public input, consultation and public notice; timelines; negotiations with landowners; criteria for effective legislation; mens rea offences. There are also technical or housekeeping changes.

The government has not yet developed more detailed policy or regulations. There are some verbal promises but nothing has been put on paper in black and white. This trust us attitude is totally unacceptable. "Trust me" or "read my lips" is just not good enough.

We strongly oppose Bill C-5 because it lacks fair and reasonable compensation. The other important reason is it permits the minister entirely at his own discretion and without any criteria, negotiation or accountability to impose federal law on provincial jurisdiction. This is wrong. It is confrontational and unworkable.

This does not mean we believe that jurisdiction must be entirely provincial. The federal government via its criminal law power can be legitimately involved in protecting endangered species on provincial lands. We require a balance between the two extreme views, a balance that encourages co-operation and negotiation.

I will now deal with some of the amendments in Group No. 2 in the limited time that I have.

Motion No. 2 intends to place the protection of habitats and species on provincial lands entirely in the hands of the provinces.

Motion No. 33 gives the minister the discretionary authority to develop, in consultation with the Canadian Endangered Species Conservation Council, a stewardship action plan under Bill C-5. However, it does not require that the minister do so.

If the basis of the bill is supposed to be voluntary stewardship programs, then it is entirely reasonable to expect that the minister will set out a plan for accomplishing this. Further, this plan must spell out the incentives and measures which will be used to support stewardship action plans. The minister should be required to do this and should not be allowed to simply say "trust me". Therefore we must oppose this motion also.

Government Orders

Motion No. 35, which was put forward by the Liberals, is a complete reversal of the approach taken by the standing committee toward the establishment of the legal list of species at risk. The committee had placed a reverse onus on the government that if cabinet did not act within six months, then COSEWIC recommendations would automatically be added to the legal list. This is dangerous since it is necessary to maintain a balance between giving unaccountable scientists full power to determine the list and giving cabinet the power to ignore objective scientific recommendations.

Instead, we believe that the final say must rest with the elected cabinet. After all, placing a species on the list of endangered species triggers the provisions of the act with serious criminal sanctions and potentially heavy economic costs for landowners and resource users.

The process must be transparent. The people affected must have the ability to argue their case. It is inappropriate for scientists to exercise political discretion in having to balance these competing social and economic policy objectives.

The committee struck this balance properly by giving the cabinet the final say on the list but requiring it to act in a timely fashion. This amendment tips the balance back toward cabinet discretion too far and potentially undermines the expert work of the scientific panel.

• (1655)

Motions No. 39 and 44 on the other hand require that to be found guilty of a criminal offence under the act, a person would have to have knowingly done harm to endangered species.

Bill C-5 would make it a criminal offence to kill, harm or harass endangered species or to endanger their habitat. Fines would be up to \$1 million for corporations and \$250,000 for individuals, and even up to five years for an indictable offence. The bill ignores one of the fundamental tenets of western legal history called *mens rea*. This Latin phrase means that criminal penalties are only given for offences committed with a criminal mind. It is very clear.

We support the goal of protecting endangered species. It is a laudable goal and a responsibility we take very seriously, but it cannot be done in a heavy-handed way.

How are oil and gas companies supposed to show due diligence over operations covering millions of hectares of land with very limited resources? Moreover they have no familiarity with endangered species or the regulations. The minister knows this is a serious problem. The bill would make many honest people into criminals.

The bill is part of a pattern of the government's dealings with rural Canada. Its heavy-handed approach to registering long guns utterly fails to consider everyday living in rural and northern Canada. The Kyoto accord potentially will add heavy costs to agricultural producers across Canada. Now the endangered species legislation threatens to criminalize farmers and property owners who may have every intention of helping endangered species. These people are supposed to be our allies in protecting endangered species. How can we declare them criminals?

Until the government commits to negotiate with the provinces to establish criteria for the application of federal law to provincial lands complete with a timeframe and provisions for compensating property

owners for losses, we are forced to oppose the current legislation. It is bad enough for the federal government to assume the right to intrude in provincial jurisdiction. It is even worse that this intrusion will be completely discretionary and therefore increase uncertainty for the provinces, for landowners and for users across the country. Since there is too much discretion for the minister and not enough public input, we must oppose that motion.

My Canadian Alliance colleagues support effective endangered species legislation. While politicians should have the final say on legally listing species, the public must be able to review and comment on the government's reasons not to include a scientifically listed species. To ensure co-operation, criminal liability must be changed from strict liability to reckless offences. People should not be scared of prosecution for accidentally killing species or disrupting habitat. The provinces must be consulted and agree to application of the federal law to provincial lands and species. The endangered species roundtable must be representative of all stakeholders. The species at risk act must apply equally to natives and non-natives irrespective of race and ethnicity.

Protecting endangered species is both an urban and a rural issue. Endangered species legislation in other jurisdictions, for example the United States, has not been successful primarily due to a lack of emphasis on co-operation and voluntary initiatives and incentives. Therefore we will not support this legislation and we cannot support the amendments I have mentioned until they are changed.

• (1700)

Mr. Charlie Penson (Peace River, Canadian Alliance): Mr. Speaker, I am happy to speak to Bill C-5. We have seen quite a few versions of this bill in the last several years. I have been in the House nine years and I am not exactly sure when the bill was introduced. It seems like a lifetime ago and it has not really gone anywhere. There is a huge debate in the country, not about whether we should have endangered species legislation or co-operation but about what is the best way to carry that out to get the result we all want.

Some people on the other side of the House seem to indicate that people in rural areas, farmers, ranchers, oil companies and forest companies, do not have any concern about endangered species or their habitat. That is a sad statement from the Liberal side of the House because it simply is not true.

Government Orders

My wife and I and our children have a 2,000 acre grain farm in Alberta. We enjoy the wildlife and habitat as much as anyone else but we feel it is pretty unfair that 30 million Canadians share the view that we want to be able to build up our numbers of endangered species.

I can think back to the 1950s when a fellow in the Grande Prairie area single-handedly took on the task of renewing the trumpeter swan population. The numbers were pretty low at that time. He had co-operation from landowners and he was able to bring that about. There was no heavy-handed legislation which said \$250,000 for this and \$500,000 for that. That is not to suggest that it cannot work but I do not think it would have worked in that case. Co-operation is a far better method.

It is a little ironic that a lot of people in cities and members who represent city ridings seem to be suggesting that we want to keep these endangered species and habitat but we want landowners to pay the full price for doing that. That is not a workable solution. It never has been and never will be. We know that in the United States it was not. If there is no co-operation from the people who are going to be directly affected in trying to maintain the habitat and species, it simply will not work.

I agree with the Liberal government that this is a laudable goal. I do not think there is a person in the House that would not agree with that. No one wants to see a species become extinct. I cannot think of one person I know who would want that to happen. But what is the best method of achieving our goal? By all means it is not a heavy-handed approach.

As I have said, we have seen the example in the United States. If landowners are not compensated, are they expected to bear the burden for 30 million Canadians? In western Canada there are about 200,000 grain farmers. Are they expected to bear the brunt of all of this? It would appear so. It is an unworkable solution.

In my riding of Peace River there are 10 million acres of agricultural land alone. That does not include the forestry and oil and gas operations which include much more land in terms of size. How can this be policed? It cannot be.

There has to be co-operation from the user groups to make it effective. It seems that common sense has flown out the window on the Liberal side by not including co-operation and compensation. It is simply not workable. We must be a little more enlightened about this. We must come to a better solution.

How many species of flora and fauna do we see in our major cities? I would suggest not many. It is hypocritical in the extreme that members representing urban ridings are trying to tell the rest of us in rural Canada, which takes up 99% of the land base, that we should do this on our own because they have wrecked theirs. There are not too many endangered species in downtown Toronto. A lot of them are gone. That is not their habitat. Their habitat is largely in rural areas.

● (1705)

We have a lot of moose, deer and wildlife in my rural area. People who live in the cities have to take a more enlightened approach to this. We all have the same goal in mind but they had better start paying their share of the cost.

I will use an example of what in my view is a good solution. It is a practical solution that has been used for quite a number of years. I refer to the Ducks Unlimited program. Ducks Unlimited expanded across the country. It is very successful in saving habitat for waterfowl. It started with the ducks and geese and has a pretty enlightened approach. It pays landowners to allow ducks and geese to stay in their natural state so they have an area to nest.

I was a grain farmer for 25 years and participated in the Ducks Unlimited program before coming to the House of Commons. I saw it as being beneficial and was willing to do my part, but I could not afford to do it all on my own. The Ducks Unlimited program paid us to leave our fields in ground cover so the ducks could hatch. It was successful, and its program has been expanded across the country. We now see more ducks and geese than we used to.

I am familiar with the program of the Alberta government which has feeding stations at harvest time. Grain is bought from grain farmers. It is spread out in certain areas so that ducks and geese have something to eat without raiding the crops of people and destroying their livelihoods. It is a very successful program.

Why would the government ignore a successful program like Ducks Unlimited and instead use a heavy-handed approach of legislation that has huge fines? It will not be successful. It is as simple as that.

We talk about criminal intent in Group No. 2. I suggest that if this is not a reasonable law that people feel they can comply with, there will be criminal intent. We saw it happen in the United States. Species were destroyed, which was the exact opposite of what the powers that put that policy in place expected and wanted. We have seen it happen before.

Farmers and ranchers cannot carry the burden of this for society. They are already struggling with very serious financial conditions, and we have a government that seems to be telling these people that for the good of the country they have to provide the habitat for endangered species. It will not work. It will have the opposite effect of the intent. It is criminal in the extreme to be putting forward programs like this that will actually cause, in my view, more endangered species to become fewer in number as a result of public policy.

After seven or eight years of discussing the issue, has the government not learned anything? Did it not learn anything from talking to people in the United States that had the heavy-handed approach with fines? I suspect not because it just keeps blundering on and pushing this forward.

I have outlined what I think is a workable solution. If we have the same goal in mind between rural and urban people, why not share the cost of protecting habitat for endangered species? It is a laudable goal and it is something we need to work on together.

Government Orders

I wonder about people in Montreal or Toronto who have residences with nice lush lawns. What if all of a sudden earthworms in their lawns became endangered species and the people were not able to fertilize their lawns, spray them with organic chemicals or others? What if they were told that their lawns had to be three feet high to protect the habitat. It simply would not work because there needs to be an incentive for people to do that.

I am calling for a better understanding by urban people as to the threat. The threat is that we will completely go down the wrong road on this in spite of examples that have taken place in other parts of the world, such as the United States. The goals will not be achieved.

● (1710)

After listening to debate on this for five or six years, it seems to me that any government that has not really heard this message is not listening. The government is holding hearings but it is not listening. It is not hearing what will take place and it is doomed to failure. I suggest this policy should be withdrawn and the minister should put forward a more co-operative approach that will be successful.

Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance): Madam Speaker, the issue before us is critical, certainly for people in my riding. I come from central Manitoba which is predominantly a farm area. However we are blessed with a number of other natural features in our riding. The world's second largest waterfowl staging area is in our riding as well. It is not agricultural land of course, but there are private landowners. Any legislation that is not perceived to be fair to landowners will not work.

We could go back to many examples, but the one that comes to mind was during the 1970s in Africa. There was serious concern about the depletion of the elephant population. Different jurisdictions tried different approaches. In some jurisdictions they tried heavy penalties. They tried criminal law consequence. They tried to impose those kinds of things as a deterrent to the excessive loss of the elephant population, and they failed miserably.

However, other jurisdictions used different approaches. They gave landowners the right to harvest the tusks of those elephants that passed away of old age. In essence, those landowners became stewards of the environment because they were given the right to protect and the reward for protecting a species that would be depleted in the absence of some government regulation. The intelligent approach was one that rewarded landowners, not one that punished them. The intelligent approach is the one that works.

In this case as my colleague just said, the government is trying to inflict the obligations on the landowner without the presence of any kind of potential reward apart from the great feeling that all of our countrymen get when they protect a species that is endangered. That is a wonderful feeling and we all share that goal.

The best conservationists I ever met are farmers. My dad backed up the swather a lot of time in the fall when he was harvesting just to protect the nests of birds. He would relocate them in the bush. I watched him do this many times.

Farmers are like that. Farmers are in touch with nature. They are close to nature. They understand the cycles of nature. They understand birth and death and they understand the partnership they have, not just with their livestock if they are in that industry, but with

the natural creatures that are around them. They see that, they feel it and they live it.

I remember watching my dad many times in the spring when the frost was coming out of the ground, smelling the earth, feeling in touch with it and sensing it as a man does who depends upon that earth for his life and for his family's life and security.

What concerns me with this legislation is that it will not work because it is unfair and it punishes the very people who it should be encouraging, rewarding and respecting. That is why it will not work.

I want to talk about the criminal intent aspects of Bill C-5. It creates a criminal act and subjects landowners potentially to penalties of up to \$1 million. The key problem is that people could commit such an offence without even knowing they were committing such an offence. The bill does not require intent. It does not even require reckless behaviour. It places the burden of proof solely on the individual to prove he or she was exercising due diligence. The problem with that should be pretty obvious. That is a double standard. There is a term in law that people refer to called mens rea, which means a person has to be of a criminal mind if the person is to be found guilty of a criminal charge.

I will use an example of the Minister of National Defence. The Minister of National Defence is using as his defence against charges of wrongdoing that he is ignorant. He is saying that ignorance and confusion mean that he cannot possibly be guilty of being devious in any way, shape or form because he was just puzzled. If the Minister of National Defence on the government frontbench can use ignorance as a defence, why can landowners not use it? It does not make sense to me. Ignorance is no excuse for farmers, but it is a heck of a good and convenient excuse for a minister of the government. That does not make sense to me.

● (1715)

The government does not require competence of its ministers. I use again the example of the Minister of National Defence. He is a member who was not sure when the JTF2 troops were going over. He was not sure when they left or when they got there. He was not sure what they were wearing or what anyone else was wearing. He was not sure how they should be clothed. A man who was not really sure about every important aspect of our involvement in Afghanistan has clearly built a case for incompetence relative to the charges he faces right now.

Government Orders

That matter is before committee at the present time so I do not want to refer to it specifically, but rather in a general sense only. I refer to it because I see it as a tremendous contradiction. This is a government that will allow a minister to plead ignorance to legitimate concerns expressed regarding his conduct, but will not allow a landowner to be unaware of all the incredible detail about the biota and flora and fauna that exists on their farm.

As this government knows, its policies have led to the growth in the size of family farms, corporate farms, et cetera. They are getting bigger and bigger all the time. I grew up on a half section of land and we knew every square foot of that land. Nowadays, farmers farm 5,000 acres.

Not only are farmers expected to take the risk of producing what they grow, research and understand crop selection, herbicides, pesticides and marketing, but the government now expects them to understand botany, biology and all the other aspects commensurate with understanding species at risk. That is incredible. The onus that the government is putting on farmers and their families under this legislation and the potential for criminal wrongdoing and significant fines are remarkable.

I ask members to consider this. Is it fair to convict people of serious criminal offences when they might have had no idea they were in danger of committing one? They not only have to recognize and understand in detail the species at risk, but they are expected to recognize their critical habitat in case they disturb a place where some of these animals spent part of their lifecycle, or where they used to live or where they might be reintroduced.

Let us think about migrating waterfowl. I will not give a specific species, but just suppose there was one species of migrating waterfowl that was in danger. Every spring and every fall just about every acre in my riding is used by migrating waterfowl. The flocks are enormous. In some cases those species would not be a problem. The problem would be the species that was near extinction, the species that was at risk. What would we do to protect them?

Of the 17,000 square kilometers of mainly farmland in my riding, which acres would be potentially used by these migrating waterfowl as habitat for part of their lifecycle? I would submit that this potentially puts a serious burden on landowners in a very dangerous way. I am concerned about it. It is particularly significant at a time when our family farms are under attack. That is something all of us should pay more attention to.

A case could be made for rural Canada becoming an outpost or a second class part of the country with respect to some of the legislation the government has brought forward, whether it be the lack of initiative in agriculture, the depletion of the agricultural budget or the reduction in agriculture research. The gun control legislation is a prime example. I suppose most urban Canadians would assume that a .22 was a weapon, but we in rural Manitoba and in rural Canada see a .22 as a tool. People who live in rural communities have a different perspective on things than people who live in urban ones.

In my riding farmers have led the way in soil management. Conservation districts have been established. I think of the Delta agricultural conservation co-op. I think of the work, as mentioned by

the member for Peace River, of Ducks Unlimited. Throughout my riding, farmers have given of their time and sacrificed their efforts and dollars to preserve the environment. They are capable, diverse and knowledgeable people, and they are under stress.

• (1720)

I believe the legislation disrespects them and places them under even greater stress. The number one concern I have is that we should have legislation that works. This would provide a perverse incentive because what it would do is make it less likely that the environment and the species that we would like to protect would be so protected.

Mr. Reed Elley (Nanaimo—Cowichan, Canadian Alliance): Madam Speaker, as we debate Bill C-5, the species at risk legislation, I want to speak to the Group No. 2 amendments before us.

I continue to be amazed that even with this third attempt by the government the minister continues to upset so many different groups of people including the standing committee members, the agricultural community and those who would describe themselves as active environmentalists. That certainly takes some kind of special talent to anger so many groups at once. Unfortunately it is a skill that I do not have nor do I desire to have it.

However as we look at these amendments I would like to take a few minutes to look at them in greater detail. Motion No. 2 states that the preamble be amended by adding the phrase "the protection of habitats and species on provincial lands is entirely under provincial jurisdiction". While my colleagues in the Canadian Alliance have long advocated the full recognition and differentiation between federal and provincial jurisdiction, the amendment is simply not true. For example, certain migratory birds are already protected by the Migratory Birds Convention Act of 1994.

We strongly oppose Bill C-5 in part because it would permit the minister, entirely at his own discretion and without any criteria, negotiation or accountability, to impose federal law on provincial jurisdiction. This is wrong, confrontational and in the end really unworkable. However we do not agree that jurisdiction must be entirely provincial. There are some cases where the federal government by way of its criminal law power, as set out in section 91 of the constitution, can legitimately be involved in protecting endangered species on provincial lands.

I believe that Motion No. 23 is a key part of what we are debating today. The amendment would give the minister far too much power under the act. While the standing committee gave this issue full and fair debate, making recommendations to the minister, he has now turned around and usurped his own committee's recommendations. What a shame that is and what a slur it is on the democratic process.

The motion would give the minister the discretionary authority to develop, in consultation with the Canadian Endangered Species Conservation Council, a stewardship action plan under Bill C-5 but it would not require him to do so.

Private Members' Business

If the basis of the act is supposed to be voluntary stewardship programs, then it is entirely reasonable to expect that the minister would set out a plan for accomplishing this. Further, this plan must spell out the incentives and measures which would be used to support stewardship action plans. The minister should be required to do this and not allowed to simply ask to be trusted. Unfortunately Canadians have seen too many bad examples of the government asking people to trust it without really knowing all of the facts.

Under Motion No. 35 the minister has again ignored the standing committee's debate and recommendations. The amendment, like the original bill, would mean that the cabinet must actively choose to place species identified by the expert scientific panel on the legal list. If it does nothing, the panel's recommendation has no effect.

The committee placed a reverse onus on the government. If cabinet did not act within six months then the COSEWIC recommendations would automatically be added to the legal list. It is necessary to maintain a balance between giving unelected and unaccountable scientists full power to determine the list, as some of the environmental groups wish, and giving cabinet the power to ignore objective scientific recommendations.

Placing species on the list of endangered species would trigger the provisions of the act with serious criminal sanctions and potentially heavy economic costs for landowners and resources users. Because of these implications the process must be transparent and the people affected must have the ability to argue their case. It is inappropriate for scientists to exercise political discretion in having to balance these competing social and economic policy directions; indeed, few of them really want that job.

The committee struck this balance properly by giving the cabinet the final say on the list but required it to act in a timely fashion. The government amendment would tip the balance too far back toward cabinet discretion and potentially would undermine the expert work of the scientific panel.

• (1725)

Motion No. 48 would delete clause 34(1) which would open the door for the minister to recommend that a governor in council order apply the federal act on provincial lands.

I cannot accept the position of my hon. colleagues from the Bloc Quebecois that the federal law should never apply in a province. We believe that the federal minister and cabinet should not have sole discretionary power. Therefore until the government commits to negotiating with the province to establish criteria for the application of federal law to provincial lands, complete with a timeframe and provisions for compensating property owners for losses, we will oppose the current provisions. In short we need to have some restrictions on the ministerial discretion.

Motion No. 53, if deleted in its entirety, would reduce or possibly even eliminate public input. I believe that the criteria developed by federal and provincial ministers for the application of the act on provincial lands should be made available for public comment. This would be a vital step in the development of a national program to protect endangered species that has the support of all governments and stakeholders.

My colleagues and I will be supporting Motion No. 54 which would eliminate the provision that the act would be applied on provincial land should the minister and the provincial ministers not reach an agreement within six months. We have no objection to the application of the act if it is done with the agreement and involvement of the provincial governments.

Many motions introduced by the government overrule the work that was done by the standing committee therefore usurping the role and the power of the committee. What a sad statement on democracy as we see it in the House today, perhaps even sadder than the amendments themselves. For this and many reasons we will be opposing the bill and supporting some of these amendments.

• (1730)

[*Translation*]

The Acting Speaker (Ms. Bakopanos): It being 5.30 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

[*English*]

BUSINESS OF SUPPLY

The House resumed from November 21, 2001 consideration of the motion.

Mrs. Lynne Yelich (Blackstrap, Canadian Alliance): Madam Speaker, I am pleased to speak to Motion No. 296. I thank my colleague, the member for St. Albert, for bringing much needed attention to this matter.

To emphasize the importance of the motion I would like to read a couple of paragraphs from the *Hill Times*. The paragraphs in this article were written by Bill Curry, entitled "Parliament 'abandoned' constitutional responsibility".

Bob Marleau, the former top House bureaucrat and an expert on Parliament, says MPs have "almost abandoned" their constitutional duties to review how government spends money, a job that is considered one of the central tenets of Parliamentary democracy.

"The last fundamental review of the supply process was in 1968 and it really needs to be revitalized, Parliamentarians are losing interest," he told the *Hill Times*.

"The House of Commons has two basic roles, and that is to pass legislation and supply [review and approve government spending]. It has, in my view, over-focused on legislation in the last 25 years and almost abandoned its constitutional responsibility on supply. Now that's pretty strong for me [to say]."

Motion No. 296 is concerned with the fundamental right that is unique to democracy: government accountability. In the throne speech the government clearly indicated the need for parliamentary reform and indeed, mentioned the need for reform to the estimates process. Increased scrutiny is certainly much needed in this area. The time has come to give all parliamentarians an added degree of power in reviewing the estimates process.

Private Members' Business

Many people like to cite and compare the importance of the motion to parenting and disciplining. Members should imagine a parent who gives a child lots of money and freedom, allowing the child to do whatever the child wants. This parent puts minimal restrictions on what is appropriate for the child. During adolescence this child probably would think that this particular parent is amazing. This parent more than likely would become popular with the child and also would be the envy of many of the child's friends.

However, when the child is out on his or her own and has to learn how to handle money in a responsible fashion and also hold down a job, he or she would eventually realize that the parent who was once thought of as being cool or the most amazing person in the entire world, because the parent was so generous or easy-going, was not really doing them any favours as a child. If a parent is not responsible or held accountable for actions in the upbringing of the child, the child suffers in the long run.

This example makes an obvious connection to government spending habits. The government will often put money into certain social programs for the simple purpose of gaining public support. However, in doing so, it is not really doing society any favours because another program is likely suffering the consequences of cutbacks in an attempt to compensate for the area receiving public support.

This happens all too often, and is often not recognized until it is too late. For example, we have all repeatedly heard about the government reducing the debt by \$36 billion from its peak level. This looks to be quite impressive at first glance, however upon looking deeper into the matter we also find that the employment insurance fund was robbed of \$36 billion during the same fiscal period. The EI fund is not a piggy bank into which the government can dip in attempts to gain public support.

It is for reasons such as this that all members of parliament, on behalf of the citizens of Canada, deserve increased scrutiny into the estimates process. Motion No. 296 goes a long way toward putting the power back where it belongs. The citizens of Canada contribute equally nationwide to fund government programs and these people all deserve a representative acting on their behalf to ensure that their money would go to the most productive uses possible.

• (1735)

These people work hard and their money is not intended to fund multibillion dollar popularity contests. It is in this light that the standing orders must be amended to create a standing committee on the estimates with a mandate to monitor and review the estimates and supply process, along with other related matters. It is time for the government to be held accountable for its actions and for the abuse of Canadians' money to come to a halt.

In my personal experiences on the job, which I am sure parallel those of a lot of members, I repeatedly hear from constituents who are unhappy and frustrated with the way their money is being handled at the government level. They are unable to receive benefits from programs they have been paying into all their lives often with little or ambiguous reasons as to why their claims were denied. At the same time they are hearing in the news that the government has been dipping into the EI fund to pay down the debt. As one can imagine, this is very frustrating for many people.

These people pay into the fund on the assumption that they will be assisted when assistance is most needed. However when they are denied access to these programs they cannot help but feel that all their work has been in vain. These programs were established for the benefit of the citizens of Canada, not to benefit the government.

I tell these people that I will look further into the spending habits of the government and hold it accountable for its actions. However I am presently unable to effectively do this as a member of the official opposition.

The report brought forth by the member for St. Albert is entitled "The Business of Supply: Completing the Circle of Control". However the report is also known as the Catterall-Williams report. The government House leader played a major role in the writing and direction of this report.

Similarly the Secretary of State for Asia-Pacific was also a member of the committee that put this report together. It would be nothing less than hypocritical for these two prominent members of the government to vote against this motion, a motion which they both endorsed and helped to write.

The sponsor of this motion is the chair of the House of Commons Standing Committee on Public Accounts. He is also the co-author of this report. He strongly believes that the adoption of the motion would go a long way to return the ability to scrutinize spending back to parliamentarians.

One of the main reasons that parliament exists is to grant supply to the crown. Therefore it seems ridiculous that all parliamentarians do not presently possess the ability to make changes and have a real impact on the estimates process. We must put the power back where it belongs.

This report must not be ignored. It encompasses the fundamental rights of Canadian citizens that we were all elected to uphold. We must not turn our backs on the duty and privilege that the citizens of Canada have bestowed upon us. I strongly urge members to take this motion seriously and to give it the attention and consideration that it so obviously deserves.

Mr. Grant McNally (Dewdney—Alouette, PC/DR): Madam Speaker, I congratulate my colleague from Blackstrap for the very good points she made in her speech. I also congratulate my colleague from St. Albert who has been a champion of fiscal responsibility for years in this place. Although he sits in the opposition benches he will one day be on the government side. He would make a fine minister of finance. He has done well to effect the agenda in the House on fiscal matters. This is another example of that and I congratulate him on it.

There are some very good proposals outlined in the 51st report entitled "The Business of Supply: Completing the Circle of Control". Before I address some of the recommendations outlined in the report I should like to establish why these kinds of changes are so important and so vitally necessary to be implemented.

It is becoming clear to all Canadians that this is a tired, weak, arrogant and corrupt government. The evidence is clear. Pierre Corbeil, a Liberal fundraiser, was convicted of influence peddling, of shaking down companies to cough up cash to the Liberal Party of Canada.

Private Members' Business

The Prime Minister called the head of a crown corporation to help out his friend in the Shawinigate scandal. As we know, Alfonso Gagliano was kicked out of cabinet for similar shady dealings to pressure crown corporations to help and hire his Liberal pals.

The billion dollar boondoggle of HRDC cash to Liberal pals scandal is well documented. There has been a waste of billions of dollars through poor and scandalous management. How could the government possibly expect Canadians to trust them with their hard earned money? It is clearly time for this tired, weak, arrogant and corrupt government to be swept out of office.

Some of the recommendations mentioned here as put forward by the committee are outlined under headings such as the ability to assess new program proposals at committee. That is a positive recommendation and there is a set of subrecommendations under it. There are others as well.

On the recommendations found in the report under having a higher profile for the review of the estimates, as my colleague from Blackstrap pointed out there has not been a substantive review of the estimates in the House since 1968 when I was six years old. That is absolutely unbelievable.

My colleague quoted the comments of our former clerk Robert Marleau on the House abandoning its constitutional responsibility in examining the estimates. I agree with that. It is time for change. We have to act. We have to take the issue very seriously. Billions of taxpayer hard earned dollars are spent in this place by the government with hardly a second glance. This has to change. These kinds of recommendations are positive ones. I hope they will be supported by all members of the House.

Another recommendation calls for improved support for committees, for members and for the scope of parliamentary financial review of statutory expenditures. There is a whole list of recommendations under that heading as well.

There are some recommendations on tax expenditures, loan guarantees and the accountability of ministers and deputy ministers. I will focus on these for a minute.

Not only are there good recommendations in this report, but there are suggestions that others have put forward which go beyond the recommendations within the scope of this report. I will read into the record a set of proposals that has been proposed by the democratic task force which the PC/DR coalition has put forward for debate and for input from Canadians across the country, members of opposition parties and members of the public as to many different needs for parliamentary reform.

One of the issues in that task force report which I would like to read into the record concerns the power of the purse. I want to read it directly into the record:

● (1740)

The granting of "Supply" to the Crown is the most fundamental prerogative of Parliament, in particular of the elected representatives in the House of Commons. Parliament has effectively lost "the power of the purse". Its inability to monitor or control government expenditures and to hold the government accountable has been documented by Auditors-General as far back as the 1970s and as recently as December 2001. The annual Estimates of government departments are automatically referred to Standing Committees of the Commons. The Estimates are then "deemed" to have been approved by the particular Committee, whether or not the Committee

has ever opened the book, spent a minute examining them or called a single minister or official to explain or account for them. "Supply Days" in the House of Commons give Opposition parties the right to choose a subject for debate, and to move no-confidence, but little attention is paid by public, media, or government to these formalities. They are no substitute for rigorous examination of ministers on their Estimates. Last June, the Commons, in a procedural shortcut, "approved" proposed expenditure of \$166 billion of taxpayers' dollars in a single vote.

That is simply not acceptable. We have a proposal from the coalition which states:

Commons Rules regarding Supply must be changed. In the period March-June each year, a fixed number of hours (say, 160 hours—40 sittings @ 4 hours, Monday-Thursday, mainly in the evening) will be spent in Committee of the Whole. The Estimates of...four departments and agencies (to be determined by the Opposition) will be examined with no time limit in any one case, and the responsible ministers will be required to defend and explain their spending Estimates. This would remove any incentive for the government to pressure committees not to meet on Estimates.

That often happens. It continues:

It would leave in place the provision for committee examination of all other Estimates and Supplementary Estimates. It would require all Ministers to prepare for examination because they would not know until the last minute if they were to be summoned to Committee of the Whole on Supply. It would provide a televised proceeding in evening viewing time. It would allow many MPs to question the Minister without the Minister being able to refer questions to officials.

That is what parliamentary accountability on the estimates is all about: issues and ideas that are found in proposals like these. We are open to other suggestions as well but we think there are some institutional changes that have happened in this place over the years, perhaps not purposefully, to the point where we have not taken seriously the power of the purse.

As parliamentarians the legislative side is very important. As Mr. Marleau pointed out, the supply of the estimates needs to take on the same importance it once had in this place for that is what provides good government regardless of which party happens to sit in power on the other side of the House.

It is only when we have changed the procedures and we have put in effect non-partisan rules which give members the ability to examine in detail the costs, estimates of costs and every government expenditure that we will have truly accountable government. That is good for all of us. That is good for every party in the House and it is best for every Canadian because those tax dollars belong to the people who sent them in trust to us to spend on their behalf on priority areas.

We understand the nature of politics and different parties having different visions. We know visions change from time to time based on which government is in power, but woe to us if we do not change the procedural aspects of this place to the way they once were where every member could stand on behalf of their constituents and examine the expenditures of any government.

That is our job. We need to get back to that. That is why I think this is a proposal well worth debate in this place and well worth the support of every member from every party. Let us do it. Let us change the process for the good of our people.

● (1745)

Hon. Lorne Nystrom (Regina—Qu'Appelle, NDP): Madam Speaker, I would like to say a few words in support of the proposition before the House today. The proposition is one that is worthy of support by all members of the House and I hope all members support it.

Private Members' Business

It deals with the most fundamental part of a parliamentary democracy, namely the granting of supply. The granting of supply means the approval of funds, the approval of money, money paid by the taxpayers for the various programs, for the \$150 billion or \$160 billion that we approve in terms of expenditures every year.

It is quite shameful, if the Canadian people knew how quickly we approve the spending of billions and billions of dollars with very little scrutiny. Madam Speaker, you are a very credible intelligent person and I imagine even you could not explain all the billions of dollars that we vote and spend and approve without even knowing the details of what is going on in many cases.

I first came to the House in 1968 when I was 22 years old. I remember a great debate in the summer of 1969 when there were major rule changes made in the House. Pierre Trudeau was the prime minister. Bob Stanfield was the leader of the opposition. Tommy Douglas was the leader of the NDP and Réal Caouette was the leader of the Créditistes.

One of the things that was debated was the moving of the estimates out of the House into the committees. In those days estimates were dealt with by the committee of the whole. In 1969 as part of streamlining parliament the plan was to make sure that committees had more power and by moving the estimates to the committees, the estimates could be scrutinized more carefully in a smaller body with fewer MPs taking more time and therefore doing a better job on behalf of the Canadian public.

That debate went on for a long, long time. It was my first summer in Ottawa and it was a hot July. My recollection is the debate went on until the 29th or 30th of July. It went on day after day. It was a controversial debate as to whether or not we should move the estimates out of the House of Commons in terms of the committee of the whole to the various parliamentary committees.

I remember sitting in the back row. Once during a recess Réal Caouette, Bob Stanfield and other members of the Conservative Party walked over to our House leader, Stanley Knowles, and asked "What do we do next, Stanley? We are worried about the process, about taking the estimates out of the House". For a while it seemed to be a pretty exciting thing to do. But after 1969 as time went on, it became more and more of a formality. As time went on the government whips, regardless of which party was in power, would crack the whip and steamroll the estimates through the various committees. There is very little scrutiny of the estimates and expenses in committees, to the point where I think this is one of the big problems in our parliamentary system.

I support the motion before the House. We are in need of serious parliamentary reform. We have to devise a system. Whether it is a special committee on the estimates or bringing more estimates before the House as my friend from the PC/DR Coalition has suggested, we have to do something to make sure there is better scrutiny of the estimates here.

Every year we approve spending for fisheries, agriculture and national defence. We approve \$60 million for the other place, the Senate. At least when we get to most estimates in the committees, we call witnesses from the various agencies and government departments to justify what they are spending. It may be happening very

quickly and it may be very superficial but in the case of the Senate, it refuses to appear before the appropriate House of Commons committee to justify the roughly \$60 million it spends every year. Liberal members of the House of Commons have invited the relevant people from the Senate and they refuse to appear. Where is the accountability? Where is the scrutiny of the money that is spent here that is collected from each and every single Canadian taxpayer?

We should be moving toward more parliamentary reform, more openness, more accountability, more independence for individual members. There should be less control by the whips particularly on the government side of the House of Commons. There should eventually be more free votes, fewer confidence votes, more power for parliamentary committees and more independence for parliamentary committees.

• (1750)

My goodness, we cannot even elect a committee chair by a secret ballot even though we elect the Speaker of the House of the Commons by a secret ballot. That is how centralized and controlled we are.

There are some new cabinet ministers, like the Minister of Foreign Affairs. Hopefully he will bring some reforming zeal to the inner sanctums of government across the way. I hope in a year or two he will not become like most of the others and isolate himself because of all the awesome power or be intimidated by the Prime Minister and some of his advisers like Eddie Goldenberg.

We have to change our system. We have to reform it. No matter who sits on the other side, people elect members of parliament to scrutinize supply, to scrutinize the estimates, to suggest ideas, to make changes, to make laws, to vote freely in accordance with their conscience and in accordance with the wishes of their constituents. That really has not been happening in the House of Commons.

We are probably the most handcuffed parliament of any country in the democratic world in terms of the lack of freedom to speak one's mind and to vote one's mind. Even in Britain which we model our own system after, often the government will lose a bill in the British House of Commons despite the fact there is a majority parliament. When Margaret Thatcher was prime minister and at the height of her popularity I recall several times when Conservative backbenchers rebelled and defeated a government bill. The same thing has happened to Tony Blair, who is a very popular prime minister, especially in his first term. There were a number of cases when the Labour government in Britain lost a proposal in the House of Commons because members of the prime minister's own party stood up and said no.

If that were to happen here on even the most timid little measure, it would become a great parliamentary crisis. It would be a great issue of confidence. The Prime Minister talks about going to the country and having a brand new election. That is really a farce. We are shortchanging Canadians if we cannot organize our most powerful democratic institution to be truly democratic and representative of the people of Canada.

Private Members' Business

This motion is a very timid little step toward making this place more relevant to each and every Canadian citizen. I urge all members of the House to support the idea before us.

I urge the Minister of Foreign Affairs, being a progressive, bright, refreshing, young voice at the cabinet table compared to the seniority in the House, to take the bull by the horns and make sure he helps organize the government benches to accept this very worthwhile and credible idea. I look forward to hearing the remarks of the Minister of Foreign Affairs and I will cede the floor to him.

• (1755)

Ms. Marlene Catterall (Ottawa West—Nepean, Lib.): Madam Speaker, the business of supply is not a matter that many members of parliament take very seriously or feel passionately about. I was fortunate to share that interest with the member for St. Albert. In fact I am committed enough to this topic that I actually requested to chair the subcommittee on the business of supply.

I enjoyed very much working with the member for St. Albert. We share a common commitment to the fundamental principle that the founding role of parliaments around the world is the right to determine how the government may collect money and how it may spend money. We shared a common opinion that by and large our Canadian parliament has not been doing that job well.

The member for Dewdney—Alouette referred to the fact that standing committees have not been reviewing the estimates. I should point out to him that in fact under this government every standing committee has reviewed the estimates, unlike standing committees in a previous parliament headed by a government of a party with which he has now chosen to align himself.

Our work started from a debate and a controversy which rose in the House. One of the first jobs I had to do was to educate the member for St. Albert that the answer was not simply to change the business of confidence, which was his opinion going in, but that there was a much more important job to be done by the subcommittee to demonstrate to parliament what tools it had and how it could use those tools to not tinker with estimates when they are tabled but to have a profound influence on the estimates of the following year.

A number of those tools, as the member for St. Albert knows, have been provided by the government since we took office in 1993. There is the idea of departmental performance reports. There are the plans and priorities reports that project into the future which the government initiated. Changes have been made to the standing orders which give the standing committees virtually full scope to investigate any matters within the purview of the departments that they are responsible for. These have given parliament the tools to do the job that needs to be done, not only to hold the government accountable which is primarily the role of the public accounts committee, but to influence the most important document that parliament approves which is the budget. That is what determines the government policy for the coming year. If it does not have the money, it cannot do the actions.

We also came to appreciate that parliamentarians need some incentives. A number of the recommendations in our report go to the very heart of how to lay out for parliamentarians how they can use those tools. Of the 52 recommendations in the report, nearly half are

not recommendations to the government at all, but are recommendations to parliament and to the standing committees.

There is work for all of us to be done, to make sure that we are using the tools at our disposal in carrying out our responsibilities a little more fully.

The government has also taken measures as has parliament to implement some of these recommendations. I would point out for instance that the report on the modernization of the procedures of the House of Commons has given parliament a significantly greater scope in reviewing the estimates. It has allowed the House of Commons itself to take two full departmental estimates and have a special debate on each of them in committee of the whole. That is an important tool which we have not used yet, but I look forward to the first time that it happens.

• (1800)

The government has shown the attention it has paid to our recommendations regarding crown corporations by giving one minister, the Deputy Prime Minister, responsibility for virtually all crown corporations. It is an extremely important step forward.

One of our main recommendations was the establishment of an estimates committee. It has not happened and the hon. member for St. Albert knows why. In the last two parliaments with five parties in parliament, House leaders have had to agree that it was necessary to collapse and combine a number of committees to allow the business of parliament to proceed. Establishing a new committee while that is going on has not been practicable.

I fully endorse the recommendations of our report that such a committee could play a vital role in supporting and strengthening the work of standing committees on the estimates. It could continue on behalf of parliament to review the estimates process and constantly upgrade and improve it. It could look at horizontal issues which cross a number of departments and standing committees and for that reason do not normally get examined by the standing committees.

One of our recommendations had to do with public visibility in the estimates process as a way of providing incentives to members of parliament. As the hon. member will know, in recent months we have doubled the amount of television space available for committees. It is an important step forward. I urge, as does I am sure the hon. member, all standing committees and members of parliament to take advantage of it to make sure their work on estimates is done in the public eye and on camera.

I reassert our recommendation to the finance committee that it invite committee chairs whose committees have done a thorough review and report on estimates to appear before the finance committee as part of its fall prebudget consultations.

In the time that remains, and it is not much, I will refer to a number of areas in which progress has been made. We called for the resuming of reporting on tax expenditures. That has been done. We called for the minister to respond to standing committee reports and recommendations in the budget. To some extent that is being done although not systematically and not always.

Private Members' Business

The Treasury Board has prepared a package for MPs on the estimates process. I think the member for St. Albert would agree that it has dramatically increased the accessibility and readability of estimates information for standing committees and members of parliament, as well as of related documents such as the statutory provisions underlying some provisions in the estimates.

Work continues to go on. One area in which I hope there will be further progress fairly soon is the relationship between members of parliament and public officials and how we deal with each other at committee. Our report recommended guidelines for public officials. We need guidelines for committee members to enable them to build trust with public officials so we can be partners in the budget making process as opposed to opponents.

I do not have much time left. I will go over a number of issues in which progress has been made on implementation. I count close to 10 on which significant progress has been made toward implementing the recommendations in the report. The member for St. Albert and all who worked on the committee report should be extremely proud of the influence we have had to date. Is there more to be done? Yes, there is. Can all the recommendations be fully implemented now as the member's resolution calls for? No, that is not realistic. This is an evolutionary process. We try something and move forward from that.

• (1805)

Substantial progress has been made. I again thank the hon. member for St. Albert and all those who worked with us on the report for the opportunity of working together and having an impact on how the government deals with the estimates.

I wish we had a little more impact on how parliament and members of parliament deal with the estimates. Notwithstanding the statement by the member for Dewdney—Alouette, since our government took office every standing committee has reviewed its estimates. Have they done a thorough and complete job? Probably not, but they have been done and they had not been getting done before.

The opposition has a role to play. It has a number of days every year that are commonly called opposition days. They are actually supply days but it is rare to see the opposition using supply days to discuss and examine the business of supply. I encourage all members on both sides of the House to use the tools we have and do our job as parliamentarians.

Mr. Keith Martin (Esquimalt—Juan de Fuca, Canadian Alliance): Madam Speaker, I congratulate my friend and colleague from St. Albert not only for putting out the report with the government whip but for his continued leadership as chair of the public accounts committee.

I also congratulate him for the superb work he is doing in rooting out corruption in government internationally. It is a superb act of leadership on his part that I hope the government and hon. members pay close attention to. He has been working internationally in an organization he started to help root out one of the prime causes of inefficiency in government: corruption.

I will talk about what we just saw. We saw the chief government whip, the co-author with my colleague for St. Albert, turn herself

inside out like a pretzel. I mean this with all due respect to the government whip. She is a fine lady.

For the people watching above, the reason this happened is that the government whip, like all members of parliament in the government, is forced to do the bidding of the Prime Minister's Office. It is a profoundly tragic situation that a member of such high quality and credentials would be forced to turn herself inside out like a pretzel to vote against the good work she and my colleague have done to democratize the House of Commons.

Ms. Marlene Catterall: Madam Speaker, I rise on a point of order. I was accused of not expressing my own opinion. I expressed entirely my own opinion. I wrote my own speech. I will not have my motives questioned. It is out of order in this House.

Mr. Keith Martin: Madam Speaker, I will retract my statement and apologize to the member. I would never impugn her motivations whatsoever.

I will get to the point about the lack of democracy in the House. Viewers can judge for themselves how the situation functions and how we are all unable to function as well as we ought to for the people who elected us.

The motion is an effort to enable us to attain one of two major objectives. As members of parliament we have two major roles. First, we produce and analyze legislation. Second, we deal with issues of supply. The motion was presented in an effort to enable members of parliament to do the latter and look at how the government spends taxpayers' money.

Some \$165 billion of the taxpayers' money is spent with very little analysis whatsoever. The former clerk of the House of Commons, the top bureaucrat of the House, said members of parliament had abrogated their responsibility to the public in analyzing the way taxpayer money is spent. He was absolutely right.

The \$165 billion goes to committees which spend about two or three hours analyzing how we spend the money. The analysis takes so little time that it is barely recorded anywhere. The analysis which should be quite extensive is not done. Nor are benchmarks or performance measurements attached. That must happen. That is why the motion is important and why all members should support it. The motion would enable MPs to analyze government expenditures, question the expenditures thoroughly, and set aside performance estimates through a new committee that would enable this to happen on an ongoing basis.

One of the shocking things I find as a member of parliament is that many in the bureaucracy are unable to determine where money is being spent, what the objectives are and whether the objectives have been met over the previous year or years. Furthermore, long term planning is often paid little heed.

This cannot continue. How can we operate anything, let alone a large organization like this, without knowing where the money is going, knowing how it is being spent and measuring performance on an ongoing basis? We have no idea what is happening.

Private Members' Business

In my province of British Columbia it is starting to happen. Premier Campbell has set up benchmarks which is what we should be doing federally. Motion No. 296 put forward by my colleague would go a long way to accomplishing that. It would enable us to determine where and how money is spent by setting up performance measurements and measuring them on an ongoing basis. All of us, especially the public whose money we are spending, could know how it is spent.

I will also address the issue the NDP member mentioned earlier which is the big sleeper issue in Canadian politics today. It is the fact that the House of Commons is a house of illusions. It is not a democracy. We have been sleepwalking into a situation of virtual dictatorship.

I will explain why. Let us imagine we are cabinet ministers let alone members of parliament. Cabinet ministers are squeezed between the unholy alliance of senior bureaucrats and the Prime Minister's Office. If cabinet ministers want to innovate, can they? No, they cannot. If cabinet ministers are young, active, vigorous innovative individuals who want to make their ministries innovative places to deal with the big issues Canadians are affected by and interested in, can they do it? No, they cannot. They will be taken aside by someone from the Prime Minister's Office and told they cannot do it. If they say they must because it is the right and moral thing to do they will not be cabinet ministers much longer. They will be out. That is what happens.

●(1810)

The cabinet member is squeezed between senior bureaucrats, who are in many cases appointed by the Prime Minister's Office, and the Prime Minister's Office. They squeeze the minister and the minister becomes a mouthpiece for the Prime Minister's Office.

Does the public ever wonder why the large issues of today are actually not dealt with? No, because we have a government that is more interested in a legacy of racking up successive election wins than in using power for public good. I said this to the government not so long ago: What is the point of having power if the government is not prepared to use power for the public good? There is no legacy other than that of using power for the public good. Anything less is a sham.

As an example, let us look at the committee structure. Committees are made work projects for MPs. For health care we have umpteen committees: the Senate committee, the Romanow commission committee and more. However, does anyone remember the Prime Minister's blue ribbon panel on health care in 1995? Does anyone know what happened to that committee? Nothing. Or we could look at aboriginal affairs too.

With my last two minutes, let me say that the public should understand that we do not live in a democracy. We need to

democratize the House. We need to make committees effective. Committee members must be able to be independent. Committees must work independently from the government to create legislation and send it back to the House.

We need to make the House a place of free votes, where we can have fixed election dates, where we can have electronic voting and where we can do work that is actually meaningful to the Canadian public. It must be a place where members of parliament, across party lines and including cabinet members, can have a say, can innovate and can give proper solutions that are meaningful to the Canadian public.

If we do not do that, we will not help all the people out there who are suffering in waiting lines for health care, who cannot get a job, who are suffering under environmental conditions that are less than acceptable or who are aboriginal people on and off reserve suffering third world conditions. Unless we are able to use the House for their public good, this place is useless. We have to make this a democracy.

In closing, I compliment my colleague from St. Albert for his excellent motion.

●(1815)

Mr. John Williams (St. Albert, Canadian Alliance): Madam Speaker, I know my time is short but I would like to thank the chief government whip for her positive comments regarding this report. As a co-author of the report she now has different responsibilities, but I do appreciate the comments she made, albeit with some qualification.

Therefore, I will just say to her and to all parliamentarians in the House: Remember that we are parliamentarians to hold government to account, and the government is the people who sit in the front row and only those people. The rest of us, on both sides of the House, have a responsibility to ensure that this place is governed well and governed properly. This report would in many ways bring that authority and that responsibility back into the House. Therefore I would urge all members, including the chief government whip, to vote in favour of the motion when it comes up for a vote.

[*Translation*]

The Acting Speaker (Ms. Bakopanos): Pursuant to order made earlier this day, all questions necessary to dispose of Motion No. 296 are deemed put and a recorded division is deemed demanded and deferred until Tuesday, March 12, at the expiry of the time provided for government orders.

[*English*]

It being 6.18, the House stands adjourned until tomorrow at 10 a. m. pursuant to Standing Order 24(1).

(The House adjourned at 6.18 p.m.)

2002 Winter Olympics	
Mr. Harb	9094
Guaranteed Income Supplement	
Mr. Crête	9094
International Mother Language Day	
Mr. Charbonneau	9095
Trade	
Mr. Kenney	9095
International Mother Tongue Day	
Ms. Karetak-Lindell	9095
2002 Winter Olympics	
Mr. Comartin	9095
Human Cloning	
Ms. Picard	9095
Black History Month	
Mr. Price	9096
Legal Aid	
Mr. MacKay	9096
Highway 11	
Mr. Malhi	9096
Team Canada	
Ms. Folco	9096

ORAL QUESTION PERIOD

National Defence	
Mr. Reynolds	9096
Mr. Eggleton	9097
Mr. Reynolds	9097
Mr. Eggleton	9097
Mr. Reynolds	9097
Mr. Eggleton	9097
Mrs. Gallant	9097
Mr. Eggleton	9097
Mrs. Gallant	9097
Mr. Eggleton	9097
Mr. Duceppe	9098
Mr. Eggleton	9098
Mr. Duceppe	9098
Mr. Eggleton	9098
Mr. Duceppe	9098
Mr. Eggleton	9098
Mr. Duceppe	9098
Mr. Eggleton	9098
Health Care	
Ms. McDonough	9098
Ms. McLellan	9099
Ms. McDonough	9099
Ms. McLellan	9099
National Defence	
Mr. Clark	9099
Mr. Eggleton	9099
Mr. Clark	9099
Mr. Eggleton	9099

Immigration	
Mr. Pallister	9099
Mr. Coderre	9099
Mr. Pallister	9099
Mr. Coderre	9099
Highway Infrastructure	
Ms. Girard-Bujold	9100
Mr. Collenette	9100
Ms. Girard-Bujold	9100
Mr. Collenette	9100
Immigration	
Mr. Solberg	9100
Mr. Coderre	9100
Mr. Solberg	9100
Mr. Coderre	9100
Middle East	
Ms. Lalonde	9100
Mr. Graham (Toronto Centre—Rosedale)	9100
Ms. Lalonde	9100
Mr. Graham (Toronto Centre—Rosedale)	9100
National Security	
Mr. Sorenson	9101
Mr. MacAulay	9101
Mr. Sorenson	9101
Mr. MacAulay	9101
Foreign Affairs	
Mr. Dromisky	9101
Mr. Knutson (Elgin—Middlesex—London)	9101
Kyoto Protocol	
Mr. Comartin	9101
Mr. Anderson (Victoria)	9101
Pension Plans	
Mr. Nystrom	9101
Mr. McCallum (Markham)	9102
Minister of National Defence	
Mrs. Wayne	9102
Health	
Mr. Strahl	9102
Mr. Marcil	9102
Mr. Rajotte	9102
Mr. Marcil	9102
Mr. Rajotte	9102
Mr. Marcil	9102
Kyoto Protocol	
Mr. Bigras	9102
Mr. Anderson (Victoria)	9103
Mr. Bigras	9103
Mr. Anderson (Victoria)	9103
Airline Industry	
Mr. Moore	9103
Mr. McCallum (Markham)	9103
Mr. Moore	9103
Mr. Collenette	9103

Aboriginal Affairs

Mr. Laliberte	9103
Ms. Blondin-Andrew	9103

Kyoto Protocol

Mr. Mills (Red Deer)	9103
Mr. Anderson (Victoria)	9104

Softwood Lumber

Mr. Paquette	9104
Mr. O'Brien (London—Fanshawe)	9104

Public Works and Government Services

Mr. Pankiw	9104
Mr. Boudria	9104

Trade

Mr. Cuzner	9104
Mr. O'Brien (London—Fanshawe)	9104

Infrastructure

Mr. Elley	9104
Mr. Boudria	9104

Canada Lands Company

Mr. Lebel	9105
Mr. MacAulay	9105

Justice

Mr. Blaikie	9105
Mr. Cauchon	9105

Business of the House

Mrs. Gallant	9105
Mr. Goodale	9105

Points of Order**Use of Cellphones in Chamber**

Mr. Blaikie	9105
-------------------	------

Oral Question Period

Mr. MacKay	9105
Mr. Pankiw	9106

GOVERNMENT ORDERS**Species at Risk Act**

Bill C-5. Report Stage	9106
Mrs. Yelich	9106

Business of the House

Mr. Williams	9107
Motion	9107
(Motion agreed to)	9107

Species at Risk Act

Bill C-5. Report Stage	9107
Ms. Blondin-Andrew	9107
Mr. Guimond	9108
Ms. Scherrer	9109
Mr. Breitreuz	9111
Mr. LeBlanc	9112
Ms. Guay	9113
Mr. Lunn	9114
Mr. Herron	9115
Mr. Sorenson	9117
Mr. Stoffer	9118
Mr. Grewal	9119
Mr. Penson	9120
Mr. Pallister	9122
Mr. Elley	9123

PRIVATE MEMBERS' BUSINESS**Business of Supply**

Mrs. Yelich	9124
Mr. McNally	9125
Mr. Nystrom	9126
Ms. Catterall	9128
Mr. Martin (Esquimalt—Juan de Fuca)	9129
Mr. Williams	9130
Division deemed demanded and deferred	9130

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